

Rochester Joint Schools Construction Board
Monthly Meeting Minutes
September 10, 2018
4:30 PM

Present

Chairman Allen Williams, Vice Chair Michael Schmidt, Rosiland Brooks-Harris, Bob Brown, I. Geena Cruz, Norman Jones, Thomas Richards and ICO Brian Sanvidge. Also present: General Counsel Greg McDonald; Savin Program Directors Pépin Accilien and Roland Coleman.

Chairman Williams convened the meeting at 4:35 pm.

Approval of Minutes

Monthly Meeting held on August 6, 2018

Motion by Vice Chair Schmidt

Second by Board Member Cruz

Approved 7-0

Consent Agenda Items

Resolution 2018-19: 33

Amendment #1 Erdman Anthony Commissioning Agent Services (Phase 2)

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 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 (the “DWT”) program which involves technology upgrades and infrastructure work at several of the possible projects; and

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

WHEREAS, the RJSCB approved the selection of Erdman Anthony Engineering Services (“Erdman Anthony”) to provide the Commissioning Agent Services for Phase 2 (Resolution 2016-17:66); and

WHEREAS, the RJSCB entered into an agreement with Erdman Anthony for Commissioning Agent Services (Resolution 2016-17: 66) dated October 17, 2016 (the “Agreement”); and

WHEREAS, following the execution of the Agreement, Erdman Anthony, along with the Program Manager, identified the need for additional Commissioning Agent Services for the DWT, Public Address System, Access Control, and Intrusion Detection equipment on eleven of the Phase 2 school projects, and a cost proposal was then obtained for this additional scope of services and provided to the Program Manager for review; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB’s M/WBE and Services Procurement Committee (the “Committee”) that Erdman Anthony’s Agreement should be amended to add the additional scope services in the total amount of \$29,976.00 and that this amount shall be treated as a not-to-exceed allowance under the Agreement; and

WHEREAS, the Committee considered and discussed the Program Manager’s recommendation at its September 6, 2018 meeting, and after due deliberation, it approved the request to amend the Erdman Anthony Agreement.

THEREFORE, BE IT RESOLVED:

1. The proposed amendment to the Agreement between RJSCBB and Erdman Anthony dated October 17, 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 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 Cruz
Approved 7-0**

**Resolution 2018-19: 34
Insurance Requirements Waiver for Coloring on Canvas – (Schools 16, 7, Monroe and Edison)**

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 and the RSJCB has received New York State Education Department and New York State Comptroller’s approval of the comprehensive Master Plan for Phase 2; and

WHEREAS, the RJSCB supports the incorporation of professional works of art to encourage “community pride” in the public schools of the District; and

WHEREAS, the RJSCB has selected Coloring on Canvas as an artist to provide commissioned public art works as part of Phase 2 of the RSMP; and

WHEREAS, for Phase 2 of the RSMP, the RJSCB established certain insurance coverages required to be obtained and maintained by consultants and subconsultants working on Phase 2 of the RSMP; and

WHEREAS, Coloring on Canvas has requested waiver of the corporate automobile liability coverage requirement on the grounds that it does not own or lease any company vehicles and does not reimburse its employees for mileage or travel; and

WHEREAS, Coloring on Canvas has requested waiver of the corporate automobile insurance coverage requirement on the grounds that it does not own or lease any company vehicles and does not reimburse its employees for mileage or travel; and

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

WHEREAS, the RJSCB’s insurance consultant has recommended that the RJSCB approve the requested waiver based upon its review of Coloring on Canvas’ insurance policy and the limited scope of its work on the Phase 2 projects; and

WHEREAS, the M/WBE and Services Procurement Committee reviewed and discussed the waiver request at its meeting on September 6, 2018, 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 Coloring on Canvas provide corporate automobile insurance coverage for the Phase 2 projects.

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

**Resolution 2018-19: 35
Change Order #20 to DiPasquale Construction, Inc. Contract (School 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 2a of the RSMP as provided in the Phase 2 Master Plan; and

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

WHEREAS, the RJSCB entered into a contract with DCI (Resolution 2016-17: 212) dated May 25, 2017 (the “Contract”), to perform the scope of services defined in the contract documents as the general contractor’s scope of work; and

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

WHEREAS, Change Order #20 includes the following items:

- | | |
|---------------------------------------------|-------------|
| 1. Add Roof Walk Pads | \$4,453.00 |
| 2. Provide EIFS @ Exterior Canopy | \$3,649.00 |
| 3. Provide Wireless ADA Push Buttons | \$1,663.00 |
| 4. Provide ACT in Janitor 130D | \$494.00 |
| 5. Drywall Bulkhead & ACT | \$1,942.00 |
| 6. Fire Rated Drywall, Elevator Shaft Hatch | \$690.00 |
| 7. Roof Flashing @ Condenser Plate | \$1,262.00 |
| 8. Louver Revisions | \$1,674.00 |
| 9. 1st Floor Mitigation Existing SOG Floors | \$65,748.00 |
| 10. Water Bureau Revisions (Domestic/Fire) | \$36.00 |

The total amount of Change Order #20 is \$81,611.00; and

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

WHEREAS, the Program Manager thereafter recommended to the RJSCB’s M/WBE and Services Procurement Committee (the “Committee”) that DCI’s Contract should be amended to add these scope items for an increase in the Contract Sum of \$81,611.00; and

WHEREAS, the Committee considered and discussed the Program Manager’s recommendation at its September 6, 2018 meeting and after due deliberation, it approved the request to amend the Contract as set forth herein.

THEREFORE, BE IT RESOLVED:

1. The proposed Change Order to DCI’s Contract between the Board and Contractor dated May 25, 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 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 Cruz
Approved 7-0

Resolution 2018-19: 36
Change Order #9 to Manning Squires Hennig Contract (John Walton Spencer School 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 John Walton Spencer School 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 approved the award of the general contractor contract to Manning Squires Hennig, Inc. (“MSH”) for the School 16 project in Phase 2a (Resolution 2017-18: 27); and

WHEREAS, the RJSCB entered into a contract with MSH (Resolution 2017-18: 27) dated August 21, 2017 (the “Contract”), to perform the scope of services defined in the contract documents as the general contractor’s scope of work; and

WHEREAS, following the execution of the Contract, MSH, along with Buffalo Construction Consultants, 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 #9 includes the following items:

- | | |
|------------------------------------|------------|
| 1. T202 Wall Types | \$477.00 |
| 2. Room 200, 200A Wall Prep | \$2,943.00 |
| 3. Corridor 1C4 Wall Furring | \$1,537.00 |
| 4. Custodian Room 146 Wall Furring | \$1,792.00 |

The total amount of Change Order #9 is \$6,749.00; 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 MSH’s Contract should be amended to add these scope items for a total increase in the Contract Sum of \$6,749.00; and

WHEREAS, the Committee considered and discussed the Program Manager’s recommendation at its September 6, 2018 meeting and after due deliberation, it approved the request to amend the Contract as set forth herein.

THEREFORE, BE IT RESOLVED:

1. The proposed Change Order to MSH’s Contract between the Board and Contractor dated August 21, 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 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 Cruz
Approved 7-0

Resolution 2018-19: 37
Change Orders #4 and #7 to Eastcoast Electric Contract (John Walton Spencer School 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 John Walton Spencer School 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 approved the award of the electrical contractor contract to Eastcoast Electric, LLC (“Eastcoast”) for the School 16 project in Phase 2a (Resolution 2017-18: 27); and

WHEREAS, the RJSCB entered into a contract with Eastcoast (Resolution 2017-18: 27) dated August 21, 2017 (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 Buffalo Construction Consultants, Inc. (the “Construction Manager”), and the Program Manager, identified changes in the scope of work, and cost proposals were then obtained for these changes in scope items and provided to the Construction Manager and the Program Manager for review; and

WHEREAS, Change Order #4 includes the following items:
1. Electrical Security Rework Revisions \$45,527.00
The total amount of Change Order #4 is \$45,527.00; and

WHEREAS, Change Order #7 includes the following items:
1. Glycol Pump \$4,325.00
2. Basement Backflow Preventer \$2,639.00
3. Sump Pump Crawlspace & Basement \$4,690.00
The total amount of Change Order #7 is \$11,645.00; 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 Eastcoast’s Contract should be amended to add these scope items for a total increase in the Contract Sum of \$57,172.00; and

WHEREAS, the Committee considered and discussed the Program Manager’s recommendation at its September 6, 2018 meeting and after due deliberation, it approved the request to amend the Contract as set forth herein.

THEREFORE, BE IT RESOLVED:

1. The proposed Change Orders to Eastcoast’s Contract between the Board and Contractor dated August 21, 2017 as set forth above are hereby approved; and
2. The RJSCB’s Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute the Change Orders to the Contract that are consistent with this approval and in an acceptable form to the Chair upon the advice of the Program Manager and the RJSCB’s general counsel.

Second by Board Member Cruz

Approved 7-0

Resolution 2018-19: 38

Change Orders #4 & #5 to Manning Squires Hennig Contract (Edison 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, Edison Technology Campus (“Edison”) is one of the projects included in Phase 2b of the RSMP, as provided in the Phase 2 Master Plan; and

WHEREAS, the RJSCB approved the award of the general contractor contract to Manning Squires Hennig Co., Inc. (“MSH”) for the Edison project in Phase 2b (Resolution 2017-18: 137); and

WHEREAS, the RJSCB entered into a contract with MSH (Resolution 2017-18: 137) dated February 6, 2018 (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, MSH, along with Buffalo Construction Consultants, Inc. (the Construction Manager), and the Program Manager, identified changes in the scope of work, and cost proposals were then obtained for these changes in scope items and provided to the Construction Manager and the Program Manager for review; and

WHEREAS, Change Order #4 includes the following items:

1. New Auto Lifts \$37,645.00

The total amount of Change Order #4 is \$37,645.00; and

WHEREAS, Change Order #5 includes the following items:

1. Replace SE Wall in Auto Shop & Revisions \$4,789.00
2. Auto Shop Wall Revisions \$3,324.00

The total amount of Change Order #4 is \$8,113.00; and

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

WHEREAS, the Program Manager thereafter recommended to the RJSCB’s M/WBE and Services Procurement Committee (the “Committee”) that MSH’s Contract should be amended to add these scope items for an increase in the Contract Sum of \$45,758.00; and

WHEREAS, Change Order #5 includes the following item:

1. Existing Plumbing Rework for Steel \$32,709.00

The total amount of Change Order #5 is \$32,709.00; and

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

WHEREAS, the Program Manager thereafter recommended to the RJSCB's M/WBE and Services Procurement Committee (the "Committee") that MAF's Contract should be amended to add these scope items for an increase in the Contract Sum of \$64,988.00; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its September 6, 2018 meeting and after due deliberation, it approved the request to amend the Contract.

THEREFORE, BE IT RESOLVED:

1. The proposed Change Orders to MAF's Contract between the Board and Contractor dated February 6, 2018 as set forth above are hereby approved; and
2. The RJSCB's Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute Change Orders to the Contract that are consistent with this approval and in an acceptable form to the Chair upon the advice of the Program Manager and the RJSCB's general counsel.

Second by Board Member Cruz

Approved 7-0

Resolution 2018-19: 40

Change Order #47 to Manning Squires Hennig Contract (Monroe Phase 2a)

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 RJSCB approved the award of the general contractor contract to Manning Squires Hennig, Inc. ("Manning Squires") for the Monroe High School project in Phase 2a (Resolution 2016-17: 103); and

WHEREAS, the RJSCB entered into a contract with Manning Squires (Resolution 2016-17: 103) dated December 19, 2016 (the "Contract"), to perform the scope of services defined in the contract documents as the general contractor's scope of work; and

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

WHEREAS, Change Order #47 includes the following items:

1. PR#038 - Room 24 & 32 Concrete Infill \$52,064.70

The Total amount of Change Order #47 is \$52,064.70; 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 this scope item for a total increase in the Contract Sum of \$52,064.70; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its September 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, Inc.'s Contract between the Board and Contractor dated December 19, 2016 as set forth above is hereby approved; and
2. The RJSCB's Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute 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 Cruz
Approved 7-0

Resolution 2018-19: 41
Change Orders #19, #20 & #21 to Eastcoast Electric Contract (Monroe Phase 2a)

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

WHEREAS, the RJSCB entered into a contract with Eastcoast (Resolution 2016-17: 103) dated December 19, 2016 (the "Contract"), to perform the scope of services defined in the contract documents as the electrical contractor's scope of work; and

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

WHEREAS, Change Order #19 includes the following item:

- | | |
|-------------------------------------------|------------|
| 1. Trophy Case Lighting | \$5,237.22 |
| 2. Removal & Reinstall of Storage Room FA | \$4,961.14 |
- The total amount of Change Order #19 is \$10,198.36; and

WHEREAS, Change Order #20 includes the following item:

- | | |
|-----------------------|-------------|
| 1. Temp Electric Heat | \$16,164.94 |
|-----------------------|-------------|
- The total amount of Change Order #20 is \$16,164.94; and

WHEREAS, Change Order #21 includes the following item:

1. Foyer Lighting Connections \$6,635.34

The total amount of Change Order #21 is \$6,635.34; 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 Eastcoast's Contract should be amended to add these scope items for a total increase in the Contract Sum of \$32,998.64; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its September 6, 2018 meeting and after due deliberation, it approved the request to amend the Contract as set forth herein.

THEREFORE, BE IT RESOLVED:

1. The proposed Change Orders to Eastcoast Electric LLC's Contract between the Board and Contractor dated December 19, 2016 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 a Change Orders to the Contract that are consistent with this approval and in an acceptable form to the Chair upon the advice of the Program Manager and the RJSCB's general counsel.

Second by Board Member Cruz

Approved 7-0

Resolution 2018-19: 42

Change Orders #15 & #16 to Concord Electric Corp. (Monroe 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 ("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 RJSCB approved the award of the electrical construction contract to Concord Electric Corp. ("Concord") for the Monroe 2b project (Resolution 2017-18: 52); and

WHEREAS, the RJSCB entered into a contract with Concord (Resolution 2017-18: 52) dated September 11, 2017 (the "Contract"), to perform the scope of services defined in the contract documents as the electrical contractor's scope of work; and

WHEREAS, following the execution of the Contract, Eastcoast, along with The Pike Company (the Construction Manager), and the Program Manager, identified 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. Schedule Acceleration - July 20th - Aug 11th \$15,452.95
- The total amount of Change Order #15 is \$15,452.95; and

WHEREAS, Change Order #16 includes the following item:

1. Schedule Acceleration Sunday 8.12.18 \$6,555.28
- The total amount of Change Order #16 is \$6,555.28 and

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

WHEREAS, the Program Manager thereafter recommended to the RJSCB's M/WBE and Services Procurement Committee (the "Committee") that Concord's Contract should be amended to add the scope items described in above-reference change orders for an increase in the Contract Sum of \$22,008.23; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its September 6, 2018 meeting and after due deliberation, it approved the request to amend the Contract as set forth herein.

THEREFORE, BE IT RESOLVED:

1. The proposed Change Orders to Concord's Contract between the Board and Contractor dated September 11, 2017 as set forth above are hereby approved; and
2. The RJSCB's Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute Change Orders to the Contract that are consistent with this approval and in an acceptable form to the Chair upon the advice of the Program Manager and the RJSCB's general counsel.

Second by Board Member Cruz
Approved 7-0

Resolution 2018-19: 43
Change Orders #2 & #3 to Concord Electric Corp. (Clara Barton School 2 - Phase 2c)

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 Clara Barton School No. 2 (“School 2”) is one of the projects included in Phase 2c of the RSMP as provided in the Phase 2 Master Plan; and

WHEREAS, Phase 2c of the RSMP includes general construction, mechanical, plumbing and electrical work at School 2; and

WHEREAS, the RJSCB approved the award of the electrical contractor contract to Concord Electric Corp. (“Concord”) for the School 2 project in Phase 2c (Resolution 2017-18: 181); and

WHEREAS, the RJSCB entered into a contract with Concord (Resolution 2017-18: 181) dated May 7, 2018 (the “Contract”), to perform the scope of services defined in the contract documents as the electrical contractor’s scope of work; and

WHEREAS, following the execution of the Contract, Concord, along with 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 #2 includes the following item:

1. SED Electrical Comments \$124,776.00
- The total amount of Change Order #2 is \$124,776.00; and

WHEREAS, Change Order #3 includes the following item:

1. Flush Valves, provide electric power \$37,373.00
- The total amount of Change Order #3 is \$37,373.00; and

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

WHEREAS, the Program Manager thereafter recommended to the RJSCB’s M/WBE and Services Procurement Committee (the “Committee”) that Concord’s Contract should be amended to add these scope items for an increase in the Contract Sum of \$162,149.00; and

WHEREAS, the Committee considered and discussed the Program Manager’s recommendation at its September 6, 2018 meeting and after due deliberation, it approved the request to amend the Contract.

THEREFORE, BE IT RESOLVED:

1. The proposed Change Orders to Concord’s Contract between the Board and Contractor dated May 7, 2018 as set forth above are hereby approved; and
2. The RJSCB’s Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute Change Orders to the Contract that are consistent with this approval and in an acceptable form to the Chair upon the advice of the Program Manager and the RJSCB’s general counsel.

Second by Board Member Cruz
Approved 7-0

Resolution 2018-19: 44
Purchase Order – Cleaning Services (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 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 (“Monroe”) is one of the projects included in Phase 2 of the RSMP as provided in the Phase 2 Master Plan; and

WHEREAS, the Program Manager determined that cleaning services were needed for Monroe and requested bids for cleaning services; and

WHEREAS, C&C Miraculous Cleaning (“C&C”) submitted a bid to the Program Manager to provide the cleaning services for Monroe; and

WHEREAS, the Program Manager reviewed the costs and determined that they are fair and reasonable for the work being performed and recommends awarding the cleaning services as follows:

Vendor	Project	Not to Exceed Amount
C&C Miraculous Cleaning	Monroe Cleaning Services	\$ 33,000.00

WHEREAS, at its September 6, 2018 meeting, the M/WBE and Services Procurement Committee (the “Committee”) considered the Program Manager’s recommendation to accept the bid from C&C to provide the cleaning services in the amount of \$33,000.00 and, after due deliberation, the Committee approved the proposal for the cleaning services.

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the award to C&C as set forth above to provide cleaning services for Monroe; and
2. The RJSCB’s Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute a purchase order that is consistent with this approval and in an acceptable form to the Chair upon the advice of the Program Manager and the RJSCB’s general counsel.

Second by Board Member Cruz
Approved 7-0

Resolution 2018-19: 45
Purchase Order – Cleaning Services (School Without Walls & School 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”) and School Without Walls (“SWW”) are two of the projects included in Phase 2 of the RSMP as provided in the Phase 2 Master Plan; and

WHEREAS, the Program Manager determined that cleaning services were needed for SWW and School 7 and requested bids for cleaning services; and

WHEREAS, Charo Cleaning submitted a bid to the Program Manager to provide the cleaning services for Without Walls and School 7; and

WHEREAS, the Program Manager reviewed the costs and determined that they are fair and reasonable for the work being performed and recommends awarding the cleaning services as follows:

Vendor	Project	Not to Exceed Amount
Charo Cleaning	SWW & School 7 Cleaning Services	\$ 33,000.00

WHEREAS, at its September 6, 2018 meeting, the M/WBE and Services Procurement Committee (the “Committee”) considered the Program Manager’s recommendation to accept the bid from Charo to provide the cleaning services in the amount of \$33,000.00 and, after due deliberation, the Committee approved the proposal for the cleaning services.

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the award to Charo as set forth above to provide cleaning services for SWW and School 7; and
2. The RJSCB’s Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute a purchase order that is consistent with this approval and in an acceptable form to the Chair upon the advice of the Program Manager and the RJSCB’s general counsel.

Second by Board Member Cruz
Approved 7-0

Resolution 2018-19: 46
Additional FF&E Purchase Orders – Monroe 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 (“DWT”) program which involves technology upgrades and infrastructure work at several of the possible projects; and

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

WHEREAS, the RJSCB’s Program Manager, with the advice of Vargas Associates (the “Move Manager”), the RJSCB’s general counsel, the Construction Managers, the Architects, and the RJSCB’s Independent Compliance Officer (“ICO”), prepared bid documents for the Furniture, Fixtures and Equipment (“FF&E”) bid associated with the following Phase 2a and Phase 2b projects: Monroe, School 7, School 16, Edison Campus, School Without Walls, Dr. Freddie Thomas Learning Center and School 1/15 (the “2a/2b FF&E Projects”); and

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

WHEREAS, the RJSCB rejected all of the bids received on December 18, 2017 and authorized the re-bidding of the 2a/2b FF&E Projects on or about January 2, 2018; and

WHEREAS, the Program Manager received bids on January 23, 2018 per the deadline stipulated in the Request for Bids for the 2a/2b FF&E Projects, and those bids were subsequently publicly opened and read aloud at the location stated in the Request for Bids; and

WHEREAS, James Monroe High School (“Monroe”) is one of the projects included in Phase 2b of the RSMP as provided in the Phase 2 Master Plan; and

WHEREAS, the RJSCB at its regular meeting approved the selection of Facilities Equipment & Services Inc. (“FES”), FM Office Products (“FM Office”), Hertz Furniture (“Hertz”) and Kraftwerks (“Kraftwerks”) as four of the FF&E suppliers for the Phase 2b Monroe project (Resolution 2017-18: 138); and

WHEREAS, the RJSCB issued a purchase order purchase order to FES in the amount of \$115,000.00, a purchase order to FM Office in the amount of \$50,000.00, a purchase order to Hertz in the amount of \$310,000.00, and a purchase order to Kraftwerks in the amount of \$50,000.00 all for FF&E for the Phase 2b Monroe project; and

WHEREAS, the Move Manager and the Program Manager recommended to the RJSCB’s M/WBE and Services Procurement Committee (the “Committee”) that an additional purchase order in the amount of \$29,188.72 be issued to FM Office for the procurement and installation of additional FF&E at Monroe; and

WHEREAS, the Committee, at its September 6, 2018 meeting, considered and discussed the Program Manager’s recommendation to issue an additional purchase order to FM Office in the amount of \$29,188.72, and after due deliberation, it approved the request by the Program Manager to issue the additional purchase order in the recommended amount;

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the recommendation of the Move Manager and the Program Manager to issue the additional purchase order to FM Office in the amount specified, related to the furniture, fixtures, and equipment purchases for Monroe in Phase 2b of the RSMP; and
2. The RJSCB's Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute a revised purchase order 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 Cruz

Approved 7-0

Resolution 2018-19: 47

Additional FF&E Purchase Orders – School 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 ("DWT") program which involves technology upgrades and infrastructure work at several of the possible projects; and

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

WHEREAS, the RJSCB's Program Manager, with the advice of Vargas Associates (the "Move Manager"), the RJSCB's general counsel, the Construction Managers, the Architects, and the RJSCB's Independent Compliance Officer ("ICO"), prepared bid documents for the Furniture, Fixtures and Equipment ("FF&E") bid associated with the following Phase 2a and Phase 2b projects: Monroe, School 7, School 16, Edison Campus, School Without Walls, Dr. Freddie Thomas Learning Center and School 1/15 (the "2a/2b FF&E Projects"); and

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

WHEREAS, the RJSCB rejected all of the bids received on December 18, 2017 and authorized the re-bidding of the 2a/2b FF&E Projects on or about January 2, 2018; and

WHEREAS, the Program Manager received bids on January 23, 2018 per the deadline stipulated in the Request for Bids for the 2a/2b FF&E Projects, and those bids were subsequently publicly opened and read aloud at the location stated in the Request for Bids; and

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

WHEREAS, the RJSCB at its regular meeting approved the selection of Facilities Equipment & Services Inc. ("FES"), FM Office Products ("FM Office"), Hertz Furniture ("Hertz") and Kraftwerks ("Kraftwerks") as four of the FF&E suppliers for the Phase 2a School 7 project (Resolution 2017-18: 138); and

WHEREAS, the RJSCB issued a purchase order purchase order to FES in the amount of \$60,000.00, a purchase order to FM Office in the amount of \$148,500.00, a purchase order to Hertz in the amount of \$125,000.00, and a purchase order to Kraftwerks in the amount of \$40,000.00 all for FF&E for the Phase 2a School 7 project; and

WHEREAS, the Move Manager and the Program Manager recommended to the RJSCB's M/WBE and Services Procurement Committee (the "Committee") that an additional purchase order in the amount of \$5,847.18 be issued to FM Office for the procurement and installation of additional FF&E at School 7; and

WHEREAS, the Committee, at its September 6, 2018 meeting, considered and discussed the Program Manager's recommendation to issue an additional purchase order to FM Office in the amount of \$5,847.18, and after due deliberation, it approved the request by the Program Manager to issue the additional purchase order in the recommended amount;

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the recommendation of the Move Manager and the Program Manager to issue the additional purchase order to FM Office in the amount specified, related to the furniture, fixtures, and equipment purchases for School 7 in Phase 2a of the RSMP; and
2. The RJSCB's Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute a revised purchase order 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 Cruz
Approved 7-0

Resolution 2018-19: 48
Purchase Orders – Electrical – School 16 (Phase 2a)

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 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 approved the award of the electrical contractor contract to Eastcoast Electric LLC ("Eastcoast") for the School 16 project in Phase 2a (Resolution 2017-18: 27); and

WHEREAS, the RJSCB entered into a contract with Eastcoast (Resolution 2017-18: 27) dated August 21, 2017 (the "Contract"), to perform the scope of services defined in the contract documents as the general contractor's scope of work; and

WHEREAS, Eastcoast, the Construction Manager and the Program Manager agreed that in order to complete the School 16 project within the project schedule and within budget, additional electrical labor was needed and Eastcoast obtained a quote for such services from Radec Electric Corporation ("Radec"); and

WHEREAS, the Program Manager recommends that purchase orders ("Purchase Orders") be issued to Radec for the School 16 project for the not-to-exceed amounts of \$16,500.00 and \$5,500.00; and

WHEREAS, Eastcoast has agreed to a Change Order to reduce the Contract in the amount of \$16,500.00 to offset the Purchase Orders; and

WHEREAS, at the M/WBE and Services Procurement Committee ("Committee") at its September 6, 2018 meeting, considered and discussed the Program Manager's recommendation to issue Purchase Orders to Radec in the aggregate not-to-exceed amount of \$22,000.00, and after due deliberation, it approved the request by the Program Manager to issue the Purchase Orders in the recommended amounts;

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the recommendation of the Program Manager to issue the Purchase Orders to Radec in the not-to-exceed amounts of \$16,500 and \$5,500, related to the additional electrical contract services for School 16; and
2. The RJSCB hereby approves the recommendation of the Program Manager to issue a deduct Change Order to Eastcoast in the amount of \$22,000, related to the credit to RJSCB for electrical contract services for School 16; and
3. The RJSCB's Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute Purchase Orders and the Change Order that are 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 Cruz
Approved 7-0

Resolution 2018-19: 49
Purchase Order – Electrical – School Without Walls

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 (“SWW”) is one of the projects included in Phase 2b of the RSMP as provided in the Phase 2 Master Plan; and

WHEREAS, the RJSCB approved the award of the electrical contractor contract to Eastcoast Electric LLC (“Eastcoast”) for the SWW project in Phase 2b (Resolution 2016-17: 239); and

WHEREAS, the RJSCB entered into a contract with Eastcoast (Resolution 2016-17: 239); dated June 29, 2017 (the “Contract”), to perform the scope of services defined in the contract documents as the electrical contractor’s scope of work; and

WHEREAS, during the course of the SWW project, Eastcoast, the Construction Manager and the Program Manager agreed that in order to complete the SWW project in accordance with the project schedule, additional electrical labor was needed and Millennium Strategies (“Millennium”) was engaged to identify vendors qualified to provide the additional electrical services for the SWW project; and

WHEREAS, Millennium was only able to identify one qualified vendor, Avarus Solutions (“Avarus”), that was willing to quote the project; and

WHEREAS, the Program Manager recommends that a purchase order (“Purchase Order”) be issued to Avarus for the SWW project for a not-to-exceed amount of \$30,180.88; and

WHEREAS, at the M/WBE and Services Procurement Committee (“Committee”) at its September 6, 2018 meeting, considered and discussed the Program Manager’s recommendation to issue a Purchase Order to Avarus in the not-to-exceed amount of \$30,180.88, and after due deliberation, it approved the request by the Program Manager to issue the purchase order in the recommended amount;

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the recommendation of the Program Manager to issue the purchase order to Avarus in the not-to-exceed amount of \$30,180.88, related to the additional electrical contract services for the SWW project; and
2. The RJSCB’s Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute a purchase order that is consistent with this approval and in an acceptable form to the Chair upon the advice of the RJSCB’s general counsel.

Second by Board Member Cruz
Approved 7-0

Resolution 2018-19: 50
Purchase Order Energy Management Building Controls (East, Schools 2, 4 and 22)

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 authorizing legislation for Phase 2 of the Rochester Schools Modernization Program (“RSMP”) was signed into law by the Governor of the State of New York on December 17, 2014; and

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

WHEREAS, the RJSCB's procurement policy allows for the issuance of purchase orders from centralized contracts let by the New York State Office of General Services ("OGS"); and

WHEREAS, the RJSCB is an authorized purchaser from OGS centralized contracts and was issued a customer identification number (Customer ID #8174) by OGS in 2012; and

WHEREAS, in 2001, the Board of Education for the District passed Resolution number 2001-2002: 176, which standardized the use of Andover Controls products for energy management, video and access systems in District facilities; and

WHEREAS, the RJSCB's Program Manager recommends the purchase of energy management building controls equipment off of an OGS contract ("State Contract") in conjunction with the Edison Technical School ("Edison"); and

WHEREAS, the OGS State Contract PT 64059 includes materials meeting the specifications for the Edison project in accordance with the District's standardization policy and also accords with the RJSCB's procurement policy; and

WHEREAS, the RJSCB has been advised that the firm Schneider Electric acquired Andover Controls in 2014; and

WHEREAS, the RJSCB has been advised that the firm Day Automation Systems, Inc. ("Day Automation") is the sole distributor of Schneider/Anderson controls in the Rochester, NY area; and

WHEREAS, the Program Manager recommends that a purchase order be issued to Day Automation as the authorized distributor of Schneider/Andover products pursuant to State Contract PT 64059 for the following projects and amounts:

Project	Vendor	State Contract	Not-To-Exceed Amount
East Energy Management /Building Controls	Day Automation Systems	PT64059	\$818,969.75
School 2 Energy Management /Building Controls	Day Automation Systems	PT64059	\$270,421.16
School 4 Energy Management /Building Controls	Day Automation Systems	PT64059	\$370,225.41
School 22 Energy Management /Building Controls	Day Automation Systems	PT64059	\$412,968.95

WHEREAS, at the M/WBE and Services Procurement Committee ("Committee") meeting held on September 6, 2018, following the review and consideration of the recommendations provided by the Program Manager and after due deliberation, the Committee approved the recommendation to issue purchase order to Day Automation, a distributor listed on the competitively bid State Contract PT 64059, and identified as being the provider of the District mandated energy management building controls.

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the recommendation of the Program Manager to utilize State Contract PT 64059 to procure the energy management building controls equipment as indicated above and associated with the Edison projects; and
2. The RJSCB hereby awards the purchase orders to Day Automation for energy management building controls, and the Chair, with the advice of the Program Manager and the RJSCB's general counsel, will issue a purchase order to procure the commodities through the State Contract from this firm in the amount set forth above.

Second by Board Member Cruz
Approved 7-0

Resolution 2018-19: 51
Bid Award Multiple Prime Contracts – East Campus (Phase 2)

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 East Campus Modernization Project (“East”) is one of the projects included in Phase 2 of the RSMP as provided in the Phase 2 Master Plan; and

WHEREAS, the Program Manager worked with the East Architect and Construction Manager to prepare requests for bids for general construction, HVAC, electrical and plumbing bidding documents package; and

WHEREAS, the RJSCB authorized the release of the general construction, HVAC, plumbing and electrical work package at its regular meeting on July 9, 2018 (Resolution 2018-19: 14); and

WHEREAS, the Program Manager received bids on August 15, 2018 per the deadline stipulated in the Request for Bids for the East project, 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 Construction Manager and the Independent Compliance Officer (“ICO”) reviewed the bids submitted for the East project, conducted de-scoping meetings, and concluded that the apparent low bidders are also qualified and responsible bidders; and

WHEREAS, the Program Manager, ICO and Construction Manager provided their award recommendations to the RJSCB’s M/WBE and Services Procurement Committee (the “Committee”) regarding the general construction, HVAC, electrical and plumbing work contracts for East project to the RJSCB; and

WHEREAS, the Committee considered and discussed the Program Manager, ICO and Construction Manager’s recommendation at its September 6, 2018 meeting and after due deliberation, it approved the request to award the general, HVAC and plumbing contracts as follows:

Scope	Name of Contractor	Address	Bid Amount
General	Holdsworth Klimowski Co., Inc.	101 Victor Heights Pkwy Victor, NY 14564	\$19,076,000.00 (includes Alternates 1 through 6)
HVAC	John W. Danforth Co.	930 Old Dutch Road Victor, NY 14564	\$5,857,000.00 (includes Alternates 1 and 2)

Plumbing	Thurston Dudek LLC	291 David Parkway Ontario, NY 14519	\$1,724,000.00
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WHEREAS, the Committee considered and discussed the Program Manager, ICO and Construction Manager's recommendation at its September 6, 2018 meeting and after due deliberation, it approved the request to award the electrical contract described below to Hewitt Young Electric, LLC ("Hewitt") contingent on the ICO's determination of each contractor's compliance with MWBE/DBE/SBE Utilization and Workforce Diversity requirements of the Contract Documents (Specifications Section 004331) or its decision to grant a waiver of such requirements based upon Hewitt's good faith efforts undertaken in attempting to meet the RSMP diversity goals and any other relevant factors:

Scope	Name of Contractor	Address	Bid Amount
Electrical	Hewitt Young Electric, LLC	645 Maple Street Rochester, NY 14611	\$11,398,000.00 (includes Alternates 1 and 2)

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby accepts the bids for the East project from the above-named bidders and awards the general construction, HVAC and plumbing contracts to said bidders for the above-stated bid amounts to provide all equipment, labor, materials, and plant necessary to execute the general construction, HVAC and plumbing scopes of work associated with the East project; and
2. The RJSCB hereby accepts the bid for the East project from the above-named bidder and awards the electrical contract to Hewitt for the above-stated bid amount to provide all equipment, labor, materials, and plant necessary to execute the electrical scope of work associated with the East project contingent upon the ICO's determination of Hewitt's compliance with compliance with Specifications Section 004331 or its decision to grant a waiver of such requirements based upon Hewitt's good faith efforts undertaken in attempting to meet the RSMP diversity goals and any other relevant factors; and
3. The RJSCB Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute and deliver an Agreement to the firms named above in substantially the form included in the Request for Bids for the East 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 Cruz
Approved 7-0**

**Resolution 2018-19: 52
Authority for RJSCB Chair to Authorize Certain Purchase Orders, Contracts and Amendments**

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 ("DWT") program, which involves technology upgrades and infrastructure work at several of the possible projects; and

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

WHEREAS, in the absence of an Executive Director, the RJSCB Chair has and will obtain detailed knowledge of the RSMP and the day-to-day operations of the RJSCB; and

WHEREAS, the RJSCB has a Purchasing and Procurement Policy that details the operative policy and instructions regarding the award of certain contracts for goods and services; and

WHEREAS, pursuant to the Purchasing and Procurement Policy, goods and services that are not required to be procured through competitive bidding are to be procured in a manner to ensure the prudent and economical use of public monies, to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances, and to guard against favoritism, improvidence, extravagance, fraud and corruption; and

WHEREAS, in order to promote efficient and streamlined operation of the RSMP and give the Chair sufficient responsibility to address minor situations as they arise, the RJSCB intends to delegate to the Chair the power to authorize certain purchase orders, public works contracts and amendments to existing contracts without the prior approval of the full Board consistent with the RJSCB’s Purchasing and Procurement Policy.

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby grants the following authority to its Chair:
 - a. The Chair may, without obtaining prior RJSCB approval, authorize and execute purchase orders for materials, equipment or supplies, provided that such purchase orders do not involve a financial commitment of the RJSCB in excess of \$20,000 annually and the Chair has determined such procurement is in accord with the objectives of the Purchasing and Procurement Policy. The Chair shall report all such purchase orders to the RJSCB at the next regularly scheduled Board meeting.
 - b. The Chair may, without obtaining prior RJSCB approval, authorize and execute public works contracts/purchase orders involving services, labor or construction and materials, provided that such contracts do not involve a financial commitment of the RJSCB in excess of \$35,000 and the Chair has determined such procurement is in accord with the objectives of the Purchasing and Procurement Policy. The Chair shall report all such contracts/purchase orders to the RJSCB at the next regularly scheduled Board meeting.
 - c. The Chair may, without obtaining prior RJSCB approval, authorize and execute amendments to professional services contracts, provided that such contracts do not involve a financial commitment of the RJSCB in excess of \$35,000 and the Chair has determined such procurement is in accord with the objectives of the Purchasing and Procurement Policy. The Chair shall report all such amendments to the RJSCB at the next regularly scheduled Board meeting.

Second by Board Member Cruz
Approved 7-0

Resolution 2018-19: 53
Pay Requisition Summary Acceptance (August 2018)

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

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

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

WHEREAS, the COMIDA issued bond proceeds for the RSMP Phase 2 projects were deposited in the Trustee's account on August 1, 2018; 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 \$437,537.17, 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 August 31, 2018; and

WHEREAS, the Program Manager forwarded the Phase 2 monthly Pay Requisition Summary (attached to this Resolution) totaling \$11,529,859.43, 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 August 31, 2018; and

WHEREAS, the RJSCB Chair approved the regular monthly Pay Requisition Summary and the Phase 2 monthly Pay Requisition Summary on or about August 23, 2018; 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 September 6, 2018.

THEREFORE, BE IT RESOLVED:

1. The Rochester Joint Schools Construction Board hereby accepts the regular monthly Pay Requisition Summary for the month of August 2018 in the amount stated above and the Phase 2 monthly Pay Requisition Summary for the month of August 2018 in the amount stated above and as shown in the Summary sheets attached to this Resolution.

Second by Board Member Cruz
Approved 7-0

Resolution 2018-19: 54
Phase 3 PLA Study

By Board Member Brown

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

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

WHEREAS, the authorizing legislation for Phase 2 of the Rochester Schools Modernization Program ("RSMP") was signed into law by the Governor of the State of New York on December 17, 2014; and

WHEREAS, in connection with the planning for an anticipated Phase 3 of the RSMP, the Program Manager identified the need for a PLA Study to evaluate potential costs/benefits of utilizing a PLA for Phase 3 of the RSMP; and

WHEREAS, in December 2015, the RJSCB engaged Seeler Engineering, P.C. (“Seeler”) to perform a Project Labor Agreement (“PLA”) Study for Phase 2 (Resolution 2015-2016: 83) to evaluate potential costs/benefits of utilizing a PLA for Phase 2 of the RSMP; and

WHEREAS, the RJSCB amended the Agreement with Seeler to add the additional scope for a Phase 3 PLA Study (Resolution 2017-18: 159) to evaluate potential costs/benefits of utilizing a PLA for Phase 3 of the RSMP; and

WHEREAS, the RJSCB, the Board’s general counsel, and the Program Manager reviewed and discussed the PLA Study for Phase 3 of the RSMP provided by Seeler at the September 6, 2018 meeting of the M/WBE and Services Procurement Committee, a copy of which is attached hereto, and after due deliberation, it accepted the Phase 3 PLA Study.

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby accepts the Phase 3 PLA Study prepared by Seeler, including the findings and recommendations therein; and
2. The RJSCB hereby directs the Chair, with the assistance of the Program Manager and the Board’s General Counsel, to negotiate the terms of a PLA with the Rochester Building and Construction Trades Council acting on behalf of the thirteen craft unions likely to participate in the Phase 3 of the RSMP.

Second by Board Member Cruz
Approved 7-0

Action Items

Resolution 2018-19: 55
Authorization to Engage in Settlement Discussions – The Pike Company

By Board Member Jones

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 approved and entered into agreements (the “Agreements”) with The Pike Company (“Construction Manager”) to provide construction management services for several of its Phase 2 construction projects.

WHEREAS, Construction Manager has alleged that is owed additional compensation for services provided to the RJSCB; and

WHEREAS, the RJSCB disagrees and has denied that it owes the Construction Manager any additional compensation; and

WHEREAS, the RJSCB Chair, Program Manager and RJSCB General Counsel have had preliminary discussions with Pike concerning its claim for additional compensation and have briefed the Board on those discussions; and

WHEREAS, the RJSCB after due deliberation, it determined that it is in the best interest of the RJSCB that it attempt to resolve the dispute through settlement discussions and authorize the Chair, with the advice of the Program Manager and the RJSCB’s general counsel, to engage in such discussions with the Construction Manager.

THEREFORE, BE IT RESOLVED:

1. It is in the best interests of the RJSCB that it attempts to resolve the dispute by way of settlement discussions; and
2. The Chair is hereby authorized, with the advice of the Program Manager and the RJSCB's general counsel, in the name and on behalf of the RJSCB to enter into settlement discussions with the Construction Manager and report back the board on the status of those discussions; and
3. The execution and delivery of any such settlement agreements, or other documents, instruments or agreements deemed necessary or advisable in connection therewith, shall require the approval of the RJSCB.

Second by Board Member Cruz
Approved 7-0

Resolution 2018-19: 56
Settlement Between RJSCB and Homeguard Environmental Services, Inc. - Phase 1

By Vice Chair Schmidt

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 Co., Inc. ("MSH") for the School 17 project in Phase I (Resolution 2012-13: 14); and

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

WHEREAS, MSH entered into a subcontract with Homeguard Environmental Services, Inc. ("Homeguard") for the School 17 project in Phase 1 (the "Subcontract"); and

WHEREAS, in 2014, Homeguard initiated a lawsuit, arising out of the Subcontract, against MSH, The Pike Company, Landon & Rian Enterprises Inc., Gilbane Building Company, the District, the City and the RJSCB, in the State of New York, Supreme Court, County of Monroe Index No. 14-05394 (the "Action"); and

WHEREAS, the Board authorized Harter, Secrest & Emery LLP ("HSE") to enter into settlement discussions with Homeguard and the other parties to the Action to attempt to resolve the Action (Resolution 2017-18: 158); and

WHEREAS, HSE has recommended to the Board that it fully and finally resolve the Action through the payment of \$46,666.67 to Homeguard in exchange for a release and the discontinuance of the Action with prejudice; and

WHEREAS, the RJSCB considered the recommendations of HSE and after due deliberation, it determined that it is in the best interest of the RJSCB to resolve the Action on the terms set forth above and avoid the burden, uncertainty, delay, expense and distraction of continued litigation.

THEREFORE, BE IT RESOLVED:

1. The proposed settlement between the RJSCB and Homeguard as set forth above is hereby approved; and
2. The Chair and HSE are authorized in the name and on behalf of the RJSCB, to execute any necessary instruments to effectuate the settlement described above.

Second by Board Member Jones
Approved 7-0

Communications

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

Phase 1:

- 100.00% submissions for the July 2018 reporting period.
- 97.91% of all data requested has been received and approved (April 2011 through July 2018).
- Overall Workforce (EEO) Participation: Minority @ 22.88% (goal is 20%) and Women @ 7.22% (goal is 6.9%).
- Overall Business Participation: Minority @ 15.74% (goal is 15%), Women @ 7.42% (goal is 5%), Small @ 3.77% (goal is 5%) and Disadvantaged @ 2.33% (goal is 2%).
- Rochester Residents: 0 of the 3 workers for the July 2018 reporting period (or 0%). The average Rochester Resident workforce (construction) from inception (April 2011 through July 2018) is 27.2%.

Phase 2:

- 94.12% submissions for the July 2018 reporting period.
- 91.63% of all data requested has been received and approved (January 2016 through July 2018).
- Overall Workforce (EEO) Participation: Minority @ 26.97% (goal is 22%) and Women @ 7.17% (goal is 8%).
- Overall Business Participation: Minority @ 29% (goal is 17%), Women @ 12.04% (goal is 10%), Small @ 3.67% (goal is 3%) and Disadvantaged @ 2.44% (goal is 3%).
- Rochester Residents: 257 of the 867 workers for the July 2018 reporting period (or 29.64%).

The Phase 2 Monthly Report is included in the Members packets and was reviewed by Program Director Pépin Accilien.

JAMES MONROE HIGH SCHOOL 2a/2b:

Phase 2a

- Final Certificate of Substantial Completion issued
- Fire Safety Inspection conducted on 8/30/18 by the Rochester Fire Department
- Kitchen Staff received training by the equipment manufacturer on 8/29/18.
- Grand opening and first football game is scheduled for 9/8/18
- Punchlist work halted. Will resume after school hours until October 2018.
- Additional owner requested work will resume after school hours until October 2018
- Hospital grade cleaning continues on all floors.
- Exterior Façade cleaning of Pearl Street Elevation completed.
- Additional district performed landscaping work along Alexander St. may be necessary prior to the re-occupancy of the building.
- Lead testing of domestic water fixtures completed
- Teachers moved in successfully. All classrooms fully setup and ready for instruction

Phase 2b

- Final Certificate of Substantial Completion issued.
- Fire Safety Inspection conducted on 8/30/18 by the Rochester Fire Department
- Playfield completed, additional crowd control fencing at the turf field may not be installed prior to the first football game; temporary fencing will be in place for the first game.
- Landscaping ongoing, exterior concrete and paving completed

- Shortage of tile setters delayed flooring installation at Phys Ed Event Lobby. Other Event Lobby finishes continue.
- District supplied Weight Room flooring completed. Gym Equipment by the District to follow.
- Temporary Phys Ed and staff lockers installed and will be replaced with permanent lockers after school opens.
- The exterior windows that serve the new security room have been changed to a storefront system due to lead time issue caused by a document omission.
- Architect's Supplemental Instructions (ASI) and proposal to add a digital sign at the corner of Averill and Monroe are forthcoming.
- Weekly Principal meetings are ongoing with all Primes to resolve scope and schedule issues.
- Staging plan issued to the Contractors for using the future pool area to support Phase 2a/2b punchlist work continuing after hours until October 2018.

– VIRGIL I. GRISSOM SCHOOL NO. 7:

- All Contract Work Completed.
- Final Certificate of Substantial Completion received.
- Fire Safety Inspection Report received. DOH inspection –Passed.
- Teachers moved in successfully. Main Office occupants have moved in. District IT staff installing computers, phones, copiers, etc. Library has been loaded with collection.
- Furniture installed. Still awaiting Teaching Wall Flex Arms.
- Punchlist process will be continue after the start of School after school hours
- The main building electrical transformed failed on 8/26/18 and was replaced that day by RG&E. The replacement Transformer failed on 8/28/18. It was discovered that the original and replacement transformer RG&E provided were grossly undersized (50 Kva) RG&E provided the correct (500 Kva) transformer and power was restored at 8:00am on 8/30/18.
- Gym and Cafeteria are complete.
- Project, except for the Closeout activities is complete.

– EAST UPPER AND LOWER SCHOOLS:

- SED Approved the Architectural and MEP documents on Friday 24 August 2018
- Architect (Cannon Design) working on a Conformed Set of construction documents.
- Bids received on 15 August 2018 and the project is within budget. All alternates will be recommended to the RJSCB for award at the 6 September 2018 Committee meeting
- Apparent low bidders have been identified, and were descoped on 17 August 2018 as follows:
 - GC – Holdsworth Klimowski
 - MC – John W. Danforth
 - EC – Hewitt Young Electric
 - PC – Thurston Dudek
- Minor modification to Dental Lab will be forthcoming, per EPO's request to the Architect. Community Grant funding will be used for this request.
- Construction to start in Fall 2018 and scheduled to run until July 2021. East EPO Leadership insists on remaining in the building during construction (not willing to move to swing space off-site).
- Schedule milestones are the following:
 - SED Approval August 2018
 - Bids Awarded –September 2018;
 - Construction starts - September 2018;
 - Construction ends July 2021.

– JOHN WALTON SPENCER SCHOOL NO. 16:

- Project is substantially complete. Office staff moved in 8/13/18. Teachers moved in 8/23/18. Orientation took place 8/23/18.
- East Coast Electric is still behind and has been instructed to add workers and work additional hours. The CM and RSMP are holding weekly meetings with ECE to review schedule and manpower. ECE's

Bonding Co. has been put on notice and their rep is working with the ECE owner to improve ECE performance.

- Classroom Addition – Punch list work is ongoing. ECE Data, Power and Access Control/ Intrusion work is complete as of 8/31/18.
- 3rd Floor - Complete except for East Coast Electric's punchlist.
- 2nd Floor - ECE punchlist ongoing. Data, Power and Access Control/Intrusion work is scheduled to be complete 8/31/18.
- 1st Floor - ECE Data, Power and Access Control/Intrusion Base Bid work is complete as of 8/31/18.
- ECE base bid, punchlist and CO electrical work will continue on "B" shift into October.

– **THE CHILDREN'S SCHOOL OF ROCHESTER SCHOOL NO. 15:**

- All contract work substantially complete.
- Punchlist in process.
- Site work – Access to the on-site storm water retention pond to be protected from students. Architect to provide options for consideration.

– **SCHOOL WITHOUT WALLS COMMENCEMENT ACADEMY:**

- Project substantially complete. Fire Safety Inspection conducted on 8/31/18.
- Interior ceiling work ordered by the School District due to replacement of the roof mounted air handling unit is complete.
- Roofing work completed except for metal coping work and detailing. "Witches' hats" will not be accepted on the roof project. They are used temporarily to get the roof work completed, but will be replaced afterwards.
- All site work, paving and concrete, completed.
- Entry vestibule completed.
- Exterior panel installation and paint ongoing.

– **DR. FREDDIE THOMAS LEARNING CENTER:**

Phase 2b.1 - Main Office:

- Project Substantially complete.
- New countertop cover installed.
- Waiting for final requisition for payment from the Contractor.

Phase 2b.2 - Mechanical Equipment Replacement:

- Project substantially complete and on budget.
- Lead in Water testing on new Drinking Fountains took place Sunday 8/19/18.
- Project is pending Close Out Documents.

– **EDISON TECHNOLOGY CAMPUS:**

- Roofing contract is complete and substantial completion has been issued. Warranty was submitted and rejected by the PM team. Contract calls for 20-year manufacturer warranty, but contractor submission was for 15 years.
- Obsolete and broken heavy equipment from machine shop and robotics have been removed.
- Working with School to assist with providing data drops in 2E2 and 1D8 classroom for a temporary computer room for this coming year. Magnitude of cost is roughly \$65,000.
- Auto and machine shop turnover will take place by August 31st.
- Structural steel complete in Machine Shop with reconstruction underway.
- Toilet Room restorations on 1st, 2nd & 3rd Floors will be completed and ready for turnover by 8/31/18.
- Design has been issued for the additional Staff Toilet Room on Second Floor that the Principal and Vice-Principal requested. Constructability review has been completed and design revisions are being implemented. Once revisions are complete a construction bulletin will be issued to contractors for pricing.
- ADA compliance issues will need to be addressed. This could be a candidate for Phase III work.
- Following up with RCSD Facilities request to investigate site trench drain condition near Exit 9 at the School with LaBella and BCC. Look at installing missing grates as well as potential realignment of complete trench drain.

– **CLARA BARTON SCHOOL NO. 2:**

- Re-engineering of revised sewer line routing is complete. Documents under review with Monroe County Public Works Authority for easement review and signoff by: RCSD, City of Rochester - legal, City Pure Waters and MCPWA. Sewer is off the critical path. Foundations for Area C and E have begun.
- Vandalism on site continues at a lesser rate.
- Abatement and demolition continue, but slightly behind schedule.
- Site work has started: underground drainage, Alt # 1 Parking, Courtyard grading, etc.
- DWT/Teaching wall details are not resolved and rough-in will start next month.

– **GEORGE MATHER FORBES SCHOOL NO. 4:**

- Asbestos abatement nears completion.
- Contractor mobilized on site. Submittal process is underway. Demolition started.
- Salvage list, revised chiller location and updated wall sections were issued to RCSD Facilities Group since 4/23/18 for review and comment. To date no comment from RCSD Facilities Group on revised Chiller location.
- Principal informed the PM team that she has been conferring with Pike about installing a walking track around the City Park. No formal request issued to the PM Team.
- With smart bond funds being part of this project, prime contractors will need to submit two (2) applications for payments. One related to base contract and one related to the smart bond estimate submitted to SED. This process is underway.

– **ABRAHAM LINCOLN SCHOOL NO. 22:**

- Pre-construction meetings being held with Prime Contractors. Executed contracts issued, insurances approved, submittals ongoing.
- Architect, CM and PM met with Jordan Health regarding intersection of RSMP and their project between the buildings. Weekly communication ongoing with Jordan Health to review scope of work and logistics at each site.
- The approved design is for a three-strand school, which the budget seems to support. The current school population (Abraham Lincoln School 22) appears to be a four-strand school. The district will need to align enrollment with the three-strand building.
- Current activities: moving contents out, disconnects, abatement and excavation, backfill with structural fill begins, and sitework at parking lot begins.
- Critical issue: addition enclosure by October 2018.

– **DR. WALTER COOPER ACADEMY SCHOOL NO. 10:**

- The team has finalized a design that now meets the budget. The new design was reviewed with RCSD Leadership, RCSD Facilities and the RJSCB.
- RCSD Facilities has requested review of a 2-story courtyard option in the new addition and addition of back storage space in the basement. Informed RCSD leadership that the 2-story courtyard option with additional basement storage has additional costs that would put the project significantly over budget.
- Architect (SEI Design) and the Construction Manager (LeChase) presented most recent School 10 plans to the RJSCB at the 8/6/18 meeting and received final approval to proceed with design development and construction documents.
- The design team is moving forward with the design for bidding November 2018 through December 2018. Award will be in January 2019 with construction to start early February 2018 and complete by Summer 2020.
- School 10 Principal, Cameron Clyburn, attended the 8/22/18 OACM meeting and was briefed on the revised/approved design being developed
- The next OACM is scheduled for 9/6/18.

– **THE FLOWER CITY SCHOOL NO. 54:**

- LaBella continues with the enhanced 2-strand Schematic Design as approved by the RJSCB. RCSD Facilities do not support the Schematic Design presented to RJSCB by LaBella. Current Base Site Design is without property acquisition that is being explored by the City and the School District.
- RCSD to provide Letter of Interest to the City of Rochester Real Estate Department for potential property acquisitions neighboring School 54.

– **DISTRICT WIDE TECHNOLOGY:**

- Continued DWT-2b design coordination with all Phase 2c/d design teams.
- Continuing the “Modern Classroom” furniture discussion with the School District’s IM&T and Facilities Department.

– **BUSINESS OPPORTUNITIES PROGRAM:**

- Coordination meeting with RCSD for September Opening Ceremonies occurred on 8/29/18. Principals J. Piper (CSR#15) and D. Lincoln (#7) were present to discuss plans for their respective schools.
- Scheduled Ribbon-cutting events:
 - Monroe: 9/8/18 at 12:30 p.m.
 - School 16: 9/10/18 at 11 a.m.
 - CSR 15: 9/20/18 at 5:30 p.m.
 - School 7: 9/26/18 at 10 a.m.
 - SWW: 9/27/18 at 5 p.m.
- RSMP Newsletter featuring design of Edison Tech Makerspaces and The Children’s School of Rochester School #15 was released.

– **DISTRICT STANDARDS UPDATE:**

- RCSD requested that plumbing fixtures (urinals and water closets) have hardwired automatic flushers with manual override backup. This change implemented on all 2a/b projects currently under construction, and will be the standard going forward with the 2c/d projects.
- RCSD Facilities requested to approve use of a window with a 60 psf design pressure, following a survey of Architects’ specifications for windows on non-RCSD schools. The EFCO HX45-HD window, at 110 psf, is the RCSD basis of design, which is costly, and is without competition. Additionally, the integral shade, in combination with security screens blocks too much incoming daylight and has been rejected for use by RJSCB Board Chair. Windows with security screens will need to use external blinds/shades.
- Discussing recent revisions to the District’s Standards with the Facilities Group (i.e. Doors, furniture, Hardware, etc.). Also working on communication protocols between the RCSD and RSMP regarding current and future updates to the District Standards that were updated in 2017/2018.
- Guide to performing lead-in-drinking water testing developed for all Phase 2 schools by RSMP. Coordinated efforts with RCSD Facilities and contractors.
- Process checklist for securing a Certificate of Occupancy developed by RSMP for use in Phase 2 schools, in conjunction with Monroe HS construction manager and RCSD personnel.
- RCSD requested that bottle fillers be installed at Phase 2 Schools, per updated Standards. All Phase 2 schools opening in fall will have bottle fillers.

– **INTERDISCIPLINARY DOCUMENT COORDINATION:**

- Phase 2a Report Status: Received - Monroe, School 7, School 16, and East;
- Phase 2b Report Status: Received - Monroe, SWW, CSR 15, DFTLC, and Edison;
- Phase 2c Report Status: Received School 10, School 2 and School 22 and School 4;
- Phase 2d Report Status: In Progress - School 54 (project is in Schematic Design).

The following Phase 1 items were discussed by Program Manager Mark AuClair.

CHARLOTTE DOOR REPLACEMENT PROJECT

- We have no new information related to Door 16-1 after the manufacturer was sold to another company and staff was turned over. It was discussed and agreed upon by Member Schmidt and the Board that we can close this project out at this time without Door 16-1 and file the Final Cost Report.

HELEN BARRETT MONTGOMERY SCHOOL NO. 50 AND THE OLD MAYNARDS ELECTRIC BUILDING

- Roofing installation is complete with demobilization, punch list and roof warranty inspection underway.
- Cost proposal for a porous pavement walking track has been submitted and currently developing a Change Order to incorporate this work. Need to hold executing until remediation cost for cinders can be established (see below).
- Due to rain additional cinders have surfaced and a new game plan needs to be developed. The Board approved the first Change Order in July for \$145,644.73 for cinder removal. Looking to remove cinders to 1' below grade and install 6" of a capping material and then pace 6" of top soil. We are reviewing this with the Engineer for guidance and discussed with the Board.
- The Board requested a full accounting of the project looking at contingency, funds not used for Fabric City, etc.

The M/WBE and Services Procurement Committee Report for September 6, 2018 is included in the Members Packets.

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

Project	Contractor	Number	Amount
DFTLC	GC Manning Squires Hennig	4	(\$2,000.00)
	MC Nairy Mechanical	4	(\$5,000.00)
Edison	GC Manning Squires Hennig	2	\$26,233.00
	GC Manning Squires Hennig	3	\$8,387.00
	PC Michael A. Ferrauilo	3	\$22,183.00
Monroe 2a	GC Manning Squires Hennig	46	\$33,602.36
	MC Michael A. Ferrauilo	3	\$0.00
	MC Michael A. Ferrauilo	19	\$5,562.00
	MC Michael A. Ferrauilo	20	\$8,030.00
	MC Michael A. Ferrauilo	21	\$8,378.59
	MC Michael A. Ferrauilo	22	\$5,339.00
	PC Lloyd Mechanical	22	\$2,263.11
	EC Eastcoast Electric	15	\$5,149.39
	EC Eastcoast Electric	16	\$7,131.16
	EC Eastcoast Electric	17	\$10,600.32
	EC Eastcoast Electric	18	\$8,416.14
Monroe 2b	GC Manning Squires Hennig	21	\$14,997.38
	MC JW Danforth	6	\$8,698.95
	MC JW Danforth	7	\$18,462.69
	PC Lloyd Mechanical	9	\$13,105.10
	PC Lloyd Mechanical	10	\$8,438.91
	EC Concord Electric	10	\$9,984.73
	EC Concord Electric	11	\$2,008.64
	EC Concord Electric	12	\$5,745.37
EC Concord Electric	13	\$13,199.87	

	EC Concord Electric	14	\$8,569.12
School 15	DC Mark Cerrone	8	(\$1,467.00)
	GC Holdsworth Klimowski	34	(\$5,000.00)
	GC Holdsworth Klimowski	35	\$2,198.00
	GC Holdsworth Klimowski	36	\$12,150.00
	GC Holdsworth Klimowski	38	\$5,350.00
	GC Holdsworth Klimowski	39	\$5,735.00
	GC Holdsworth Klimowski	40	\$5,783.00
	EC Concord Electric	14	(\$7,978.00)
	EC Concord Electric	15	\$4,003.00
School 2	GC DiPasquale Construction	1	\$1,267.00
	EC Concord Electric	1	\$20,380.04
School 7	EC Eastcoast Electric	11	\$31,845.00
	EC Eastcoast Electric	12	(\$50,249.00)
	PC Michael A. Ferrauilo	10	\$25,534.00
School 16	GC Manning Squires Hennig	8	\$29,065.00
	MC Michael A. Ferrauilo	3	\$11,184.00
	MC Michael A. Ferrauilo	4	\$13,778.00
	EC Eastcoast Electric	3	\$2,276.00
	EC Eastcoast Electric	5	(\$5,500.00)
	EC Eastcoast Electric	6	\$14,780.00
	PC DVBrown	3	\$6,428.00
SWW	GC Javen Construction	9	\$13,940.03
	GC Javen Construction	10	\$13,363.00
	EC Eastcoast Electric	6	\$9,318.34
TOTALS		50	\$405,669.24

The MWBE and Services Procurement Committee Report includes the Board Chair Report for Authorized Purchase Orders and is articulated below for this month:

Project	Contractor	Number	Amount
Monroe 2b	FM Office	FFE-2B-0033	\$29,188.72
Monroe 2b	C&C Cleaning	BOP2-001	\$33,000.00
School 7	FM Office	FFE-2B-0034	\$5,847.18
School 16	Radec	CAB-Sch16-8	\$5,500.00
	Radec	CAB-Sch16-9	\$16,500.00
	Day Automation	ACID-Sch16-9	\$27,323.88
SWW	Avarus	SWW-DWT1	\$30,180.88
Sch7 & SWW	Charo Cleaning	BOP2-002	\$33,000.00
TOTALS		8	\$180,540.66

The Finance Committee Report for September 6, 2018 is included in the Members packets.

Executive Session

Approved at 5:32 pm.

Chairman Williams called for an Executive Session pursuant to New York Public Officer's Law Article 7, Section 105.1 (f), to discuss particular Corporations and their respective Contracts.

Motion by Board Member Cruz
Second by Board Member Brown
Approved 7-0

The Board came out of Executive Session at 6:23 pm.

Motion by Board Member Jones
Second by Board Member Richards
Approved 7-0

Adjournment

Approved at 6:24 pm.

Motion by Board Member Jones
Second by Board Member Cruz
Approved 7-0