

Rochester Joint Schools Construction Board

Minutes

September 11, 2017

4:30 PM

Present

Chairman Allen Williams, Vice Chair Michael Schmidt, Charles Benincasa, Bob Brown, I. Geena Cruz (left at 5:36 pm), Norman Jones, Thomas Richards, and ICO Brian Sanvidge. Also present: General Counsel Edward Hourihan; Savin Program Directors P  pin Accilien and Roland Coleman.

Chairman Williams convened the meeting at 4:34 pm.

Presentations

George Mather Forbes School 4

Antonino Borgese and Leigh McMullen of CJS Architects and Greg Grates of DiMarco Group presented and summarized their Program Verification Report for George Mather Forbes ("GMFS") School 4. Students will be temporarily housed and receive instruction at the Dr. Freddie Thomas High School building during construction of GMFS. Students and staff will return to their reconstructed building for the beginning of the 2019/2020 academic year. George Mather Forbes School 4 will house Pre-Kindergarten through 6th grade.

Consideration to GMFS's academic curriculum and student needs were strategically planned for within the Strategic Test Fit and its defined program. This program and its organization have been further developed and refined during the Program Verification Phase with direction and input from RCSD representatives. During the Program Verification Phase, RCSD representatives indicated that the number of special needs students who will attend GMFS will be greater than what was anticipated in the Strategic Plan. As part of the Special Education academic curriculum, GMFS teachers provide important instruction to these students, which help ensure their ability to become as self-sufficient as possible. These particular instructional activities include food preparation, laundering and personal hygiene – all important life-skills that are necessary for self-sufficiency.

In reviewing the Core Model Test Fit Summary and the Specialized Function outlined in the Strategic Plan, RCSD representatives determined that a total of ten (10) Special Education classrooms would be required for GMFS as opposed to the three (3) indicated in the original program. The RCSD representatives requested the modification of the Test-Fit Program to accommodate the additional Special Education classrooms. They evaluated the Test-Fit Program and recommended the elimination of various proposed program elements to accommodate the requested program changes within the proposed Strategic Plan Test-Fit building envelope. In addition to the above, RCSD representatives requested that two of the interchangeable 4th through 6th grade classrooms be furnished and equipped to accommodate "Flexible / Maker" classroom functions. The operation, function and programming of these classrooms will be examined with RCSD representatives during the Schematic Design Phase to ensure that they will meet academic and curriculum needs as provided by the RCSD.

Finally, based on conceptual cost estimate provided by DiMarco Group, the project costs for the proposed scope seems to fall within the \$24,000,000 Fixed Limit of Construction set forth by the Strategic Plan.

Dr. Walter Cooper Academy School 10

Ted Mountain of SEI Design Group ("SEI") presented the Cooper School 10 Program Verification Report. Ted reviewed the project general information, including the site constraints, the age of the existing structure, proposed grade levels, and the challenges of working with a 1916 vintage building. SEI presented the proposed site plan which will include new expanding parking, updated front historic lawn area, Pre-K/K playground, loading dock, field upgrades and new grade 1-6 playground. The building project was also reviewed, which will include demolition of the existing south end of the building, renovations to the north end, new two story classroom addition with elevator, and new gym and cafeteria component to the south. Some of the other project upgrades will include building wide electrical and HVAC, technology, windows,

doors, security entrance and two story light courts. The project is on schedule for SED submission in December of 2018. Construction will occur from June of 2018 through August of 2019. Currently the budget is slightly over for this phase, at \$25,725,000 vs. the \$24,300,000 Fixed Limit of Construction set forth by the Strategic Plan, however the design team and construction manager will be working on bringing the project back to budget by the SD and DD phases. A large unknown at this time is how much budget will be needed for the swing space work at Marshall School. After that work is defined, a better budget can be generated.

Clara Barton School 2

Kory Hunsinger and Brian Trott of Clark Patterson Lee and Steve Rollins of Pike presented the Calra Barton School 2 Schematic Design Report. Scope items added between Program Verification and Schematic Design include an enlarged bus pull-off off of Reynolds Street, an on-site parking lot at the corner of Reynolds Street and Frost Avenue, an expanded stage addition on the north side of the gymnasium and kitchen serving line upgrades to accommodate additional students. Based on feedback from RCSD Facilities and the Program Management Team, CPL will look for ways to simplify the two story classroom addition as Design Development progresses. An update of the budget indicates a 3% overage, at \$25,800,000 vs. the \$25,000,000 Fixed Limit of Construction set forth by the Strategic Plan, which does not include swing space at Marshall renovations; budget reconciliation and identification of bid alternates are tasks for Design Development. The design schedule is on target, with SED approval expected in March 2018.

Approval of Minutes

Monthly Meeting held on August 7, 2017

Motion by Member Benincasa

Second by Member Jones

Approved 6-0 with Member Cruz away

Special Meeting held on August 21, 2017

Motion by Member Benincasa

Second by Member Jones

Approved 6-0 with Member Cruz away

Consent Agenda Items

Resolution 2017-18: 29

Amendment #14 to Clark Patterson Lee Agreement – School 50

By Board Member Benincasa

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

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

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

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

WHEREAS, subsequent to the execution of the Agreement, the Program Manager requested, and a cost proposal was obtained and reviewed, for additional scope of services for repackaging the bid documents for the School 50 roof replacement project and, in addition, CPL incurred construction fees for inspection of lateral abandonments by Rochester Pure Waters; and

WHEREAS, the Program Manager recommended to the M/WBE and Services Procurement Committee (the "Committee") that CPL's Agreement should be amended to add these additional services and reimbursable costs in the total amount of \$6,850.00 to Exhibit I of the Agreement and that this amount shall be treated as a not-to-exceed allowance under section 11.1.1 of the Agreement; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its September 7, 2017, and after due deliberation, the Committee approved the request to amend the Agreement.

THEREFORE, BE IT RESOLVED:

1. The proposed amendment to the Clark Patterson Lee Agreement between Board and Architect dated March 28, 2011, as set forth above is hereby approved, increasing the total amount of the Agreement by the sum of \$6,850.00; and
2. The RJSCB's Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute an amendment to the Agreement that is consistent with this approval and in an acceptable form to the Chair upon the advice of the RJSCB's general counsel.

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

**Resolution 2017-18: 30
Amendment #5 to Savin Engineers P.C. Program Manager Agreement (Phase 2)**

By Board Member Benincasa

WHEREAS, the Rochester School Facilities Modernization Program Act ("School Modernization Act") established the Rochester Joint Schools Construction Board ("RJSCB" or the "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" or "Program") 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 District Wide Technology improvements which involve technology upgrades and infrastructure work at several of the possible projects; and

WHEREAS, the RJSCB selected Savin Engineers P.C. ("Program Manager") to provide Program Management services to the Board for Phase 2 of the RSMP in October of 2015 (Resolution 2015-16: 55); and

WHEREAS, the RJSCB entered into an agreement with the Program Manager dated December 15, 2015, entitled Program Manager Agreement (the "Agreement"); and

WHEREAS, the Program Manager has recently adjusted its staffing plan for Basic Services on Forms B-1.7 and B-1.8 to establish permitted changes in personnel (i.e., creation of the Special Assistant to Executive Director position) and hourly billing rates for 2017-2018 fiscal year; and

WHEREAS, the Basic Service Fee Limit and the Additional Service Fee Limit of the Agreement shall not be effected by these staffing and hourly rate changes; and

WHEREAS, the proposed amendment to the Agreement was discussed at the M/WBE and Services Procurement Committee Meeting ("Committee") on September 7, 2017, and after due deliberation, the Committee approved the request to amend the Agreement;

THEREFORE, BE IT RESOLVED:

1. The proposed amendment to the Program Manager Agreement, dated December 15, 2015, as set forth above is hereby approved; and

2. The RJSCB's Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute an amendment to the Program Manager Agreement that is consistent with this approval and in an acceptable form to the Chair upon the advice of the RJSCB's general counsel.

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

Resolution 2017-18: 31
Amendment #7 to SWBR Master Plan Consulting Agreement

By Board Member Benincasa

WHEREAS, the Rochester School Facilities Modernization Program Act ("School Modernization Act") established the Rochester Joint Schools Construction Board ("RJSCB" or the "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, the authorizing legislation for Phase 2 of the Rochester Schools Modernization Program ("RSMP" or "Program") was signed into law by the Governor of the State of New York on December 17, 2014; 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 entered into an agreement with SWBR Architects ("SWBR") (Resolution 2010-11: 8) dated August 16, 2010 entitled Agreement Between the Board and the Architect (the "SWBR Agreement") to create a comprehensive Facilities Modernization Plan ("FMP" or "Master Plan"); and

WHEREAS, the RJSCB subsequently approved the Master Plan prepared by SWBR in January of 2011 (Resolution 2010-11: 29) and directed Gilbane Building Company (the "Program Manager") to forward it to the State Education Department ("SED") and to the State Comptroller for review and approval; and

WHEREAS, the Master Plan was subsequently approved by SED and the State Comptroller in May 2011; and

WHEREAS, in January/February 2012, the RJSCB thereafter approved proceeding with an update of the original Master Plan and retaining SWBR to perform these Master Plan update services as an amendment to the SWBR Agreement (Resolution 2011-12: 61 and Resolution 2011-12: 64); and

WHEREAS, SWBR's update of the Master Plan was completed in September of 2012 and turned over to the District for review, public comment, and approval by the Board of Education of the District (the "Board of Education"); and

WHEREAS, following a series of public forums in late 2012/early 2013 and additional comments received from the District, the Master Plan update was revised by SWBR; and

WHEREAS, the Board of Education approved the Master Plan update in March of 2013; and

WHEREAS, in August 2014, the District requested that the RJSCB proceed with another update of the Master Plan to serve as the basis for Phase 2 of the Rochester Schools Modernization Program ("RSMP") and the RJSCB subsequently extended the services of SWBR to provide these services upon the issuance of a notice to proceed (Resolution 2014-15: 37); and

WHEREAS, following a series of public hearings and presentations to the Board of Education in early 2016, the Master Plan for Phase 2 was completed and subsequently approved by the Board of Education at its monthly business meeting on March 24, 2016 (Board of Education Resolution 2015-16: 630); and

WHEREAS, the SWBR Agreement was subsequently amended to increase the not-to-exceed contract sum to \$1,043,665.06; and

WHEREAS, SWBR has completed its services under the SWBR Agreement, and the Program Manager has completed its reconciliation of all invoices for these services resulting in an unused contract balance remaining in the amount of \$4,495.41; and

WHEREAS, the Program Manager recommended to the M/WBE and Services Procurement Committee (the "Committee") that the SWBR Agreement should be amended to credit the amount of \$4,495.41 back to the RSMP; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its September 7, 2017 meeting to reduce the contract sum of the SWBR Agreement by \$4,495.41, and after due deliberation, the Committee approved the request to amend the Agreement.

THEREFORE, BE IT RESOLVED:

1. The proposed amendment to the SWBR Agreement Between Board and Architect, dated August 16, 2010, 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 SWBR Agreement that is consistent with this approval and in an acceptable form to the Chair upon the advice of the RJSCB's general counsel.

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

**Resolution 2017-18: 32
Purchase Order – School Without Walls Moving Services (Clark Moving & Storage, Inc.)**

By Board Member Benincasa

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

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

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

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

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

WHEREAS, Clark submitted a proposal to the Move Manager for additional work associated with the School Without Walls project utilizing the hourly rates included with Clark's original bid; and

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

WHEREAS, at its September 7, 2017 meeting, the M/WBE and Services Procurement Committee (the "Committee") considered the Program Manager's and Move Manager's recommendation to accept the proposal from Clark to perform the additional work in the amount of \$2,479.75 and, after due deliberation, the Committee approved the proposal for the additional services.

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the recommendation of the Program Manager and Move Management Consultant to accept the proposal for additional moving services as set forth above; and
2. The Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute and deliver a purchase order for move services for the School Without Walls project in the amount of \$2,479.75 to Clark Moving & Storage, Inc.

Second by Board Member Brown

Approved 6-0 with Member Cruz away

Resolution 2017-18: 33

Purchase Order – Phase 2a and 2b Building Controls (Day Automation Systems)

By Board Member Benincasa

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

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

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

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

WHEREAS, the RJSCB’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 building controls equipment off of an OGS contract (“State Contract”) in conjunction with the Virgil Grissom School 7 (“School 7”), John Walton Spencer School 16 (“School 16”), School Without Walls, Children’s School of Rochester, James Monroe High School 2b (“Monroe 2b”) and Dr. Freddie Thomas Learning Center (“DFTLC”) projects; and

WHEREAS, the OGS State Contract PT 64059 includes materials meeting the specifications for the School 7, School 16, School Without Walls, Children’s School of Rochester, Monroe 2b and DFTLC projects 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	NTE Amount
School 7	\$278,589.76
School 16	\$371,064.31
School Without Walls	\$79,902.65
Children’s School of Rochester	\$235,466.08
Monroe 2b	\$240,046.60
DFTLC	\$2,883.34

WHEREAS, at the M/WBE and Services Procurement Committee (“Committee”) meeting held on September 7, 2017, 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 orders to Day Automation, a distributor listed on the competitively bid State Contract PT 64059, and identified as being the provider of the District mandated 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 building controls equipment as indicated above and associated with the School 7, School 16, School Without Walls, Children’s School of Rochester, Monroe 2b and DFTLC projects; and
2. The RJSCB hereby awards the purchase orders to Day Automation for building controls, and the Chair, with the advice of the Program Manager and the RJSCB’s general counsel, will issue purchase orders to procure the commodities through the State Contract from this firm in the amounts set forth above.

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

Resolution 2017-18: 34
Purchase Order – Phase 2a and 2b Access Controls (Day Automation Systems)

By Board Member Benincasa

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

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

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

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

WHEREAS, the RJSCB’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 access controls equipment off of an OGS contract (“State Contract”) in conjunction with the Virgil Grissom School 7 (“School 7”), John Walton Spencer School 16 (“School 16”), School Without Walls, Children’s School of Rochester, and James Monroe High School 2b (“Monroe 2b”) projects; and

WHEREAS, the OGS State Contract PT 64059 includes materials meeting the specifications for the School 7, School 16, School Without Walls, Children’s School of Rochester, and Monroe 2b projects 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/Andover 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	NTE Amount
School 7	\$104,736.78

School 16	\$95,315.69
School Without Walls	\$27,229.79
Children's School of Rochester	\$92,806.79
Monroe 2b	\$45,802.72

WHEREAS, at the M/WBE and Services Procurement Committee ("Committee") meeting held on September 7, 2017, 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 orders to Day Automation, a distributor listed on the competitively bid State Contract PT 64059, and identified as being the provider of the District mandated access 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 access controls equipment as indicated above and associated with the School 7, School 16, School Without Walls, Children's School of Rochester, and Monroe 2b projects; and
2. The RJSCB hereby awards the purchase orders to Day Automation for access controls as set forth above, and the Chair, with the advice of the Program Manager and the RJSCB's general counsel, will issue purchase orders to procure the commodities through the State Contract from this firm in the amounts set forth above.

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

**Resolution 2017-18: 35
Reconciliation of Controls Equipment Purchase Orders – Monroe 1c (Day Automation Systems)**

By Board Member Benincasa

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

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

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

WHEREAS, the RJSCB approved the selection of Day Automation Systems ("Day") for the purchase of building controls for the James Monroe High School Phase 1c ("Monroe 1c") project pursuant to State Contract PT 64059 in the amount of \$486,169.33 (Resolution 2014-15: 247); and

WHEREAS, the RJSCB also approved the selection of Day for the purchase of access controls for the Monroe 1c project pursuant to State Contract PT 64059 in the amount of \$8,253.83 (Resolution 2014-15: 248); and

WHEREAS, the RJSCB thereafter issued a building controls purchase order in the amount of \$486,169.33 and an access controls purchase order in the amount of \$8,253.83 for the Monroe 1c project to Day; and

WHEREAS, the RJSCB has completed its purchases for the Monroe 1c project pursuant to said purchase orders, and the Program Manager has completed its reconciliation of all invoices for the purchases resulting in an unused purchase order balances remaining in the total amount of \$20,133.12 (which has been agreed to by Day); and

WHEREAS, the Program Manager recommended to the M/WBE and Services Procurement Committee (the "Committee") that Day's purchase orders should be amended to credit the amount of \$20,133.12 back to the RSMP; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its September 7, 2017 meeting to reduce Day's purchase orders by the total amount of \$20,133.12, and after due deliberation, the Committee approved the request to reduce the purchase order amount.

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the recommendation of the Program Manager to reduce the building and access controls purchase orders to Day in the amount of \$20,133.12 related to the Monroe 1c project; and
2. The RJSCB's Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute revised purchase orders 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 Brown
Approved 6-0 with Member Cruz away

Resolution 2017-18: 36
Reconciliation of FF&E Purchase Orders – School 12 (FM Office Products)

By Board Member Benincasa

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

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

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

WHEREAS, the RJSCB approved the selection of FM Office Products ("FM") for the purchase of furniture, fixtures and equipment ("FF&E") for the School 12 project in the amount of \$279,567.27 (Resolution 2015-16: 68); and

WHEREAS, the RJSCB approved the issuance of additional FF&E purchase orders to FM that increased the contract value to \$291,079.61; and

WHEREAS, FM has completed its FF&E services for the School 12 project and the Program Manager has completed its reconciliation of all invoices for the purchases resulting in an unused balance remaining in the total amount of \$540.22 (which has been agreed to by FM); and

WHEREAS, the Program Manager recommended to the M/WBE and Services Procurement Committee (the "Committee") that FM's purchase orders should be amended to credit the amount of \$540.22 back to the RSMP; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its September 7, 2017 meeting to reduce FM's purchase orders by the total amount of \$540.22, and after due deliberation, the Committee approved the request to reduce the purchase order amount.

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the recommendation of the Program Manager to reduce the purchase orders to FM in the amount of \$540.22 related to the School 12 project; and
2. The RJSCB's Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute revised purchase orders 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 Brown
Approved 6-0 with Member Cruz away

Resolution 2017-18: 37
Reconciliation of Moving Services Purchase Order – RSMP Warehouse (Clark Moving & Storage, Inc.)

By Board Member Benincasa

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

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

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

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

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

WHEREAS, the RJSCB approved the selection of Clark Moving and Storage, Inc. ("Clark") as the moving services company associated with the RSMP Warehouse moves (Resolution 2016-17: 230); and

WHEREAS, the RJSCB issued a purchase order (PO M1-0001) for the RSMP Warehouse move to Clark dated June 16, 2017 in the amount of \$15,440.00; and

WHEREAS, Clark has completed its services for the RSMP Warehouse move, and the Program Manager has completed its reconciliation of all invoices for these services resulting in an unused purchase order balance remaining in the amount of \$4,359.75 (which has been agreed to by Clark); and

WHEREAS, the Program Manager recommended to the M/WBE and Services Procurement Committee (the "Committee") that Clark's purchase order should be amended to credit the amount of \$4,359.75 back to the RSMP; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its September 7, 2017 meeting to reduce Clark's purchase order amount by \$4,359.75, and after due deliberation, the Committee approved the request to reduce the purchase order amount.

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the recommendation of the Program Manager to reduce the purchase order to Clark in the amount of \$4,359.75 related to the RSMP Warehouse move; 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 Brown
Approved 6-0 with Member Cruz away

Resolution 2017-18: 38
Insurance Requirements Waiver for Edge – GTS (School 2)

By Board Member Benincasa

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

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

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

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

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

WHEREAS, Clara Barton School 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, February 6, 2017, the RJSCB issued a request for proposals for architectural services for Phase 2c Schools (Resolution 2016-17: 136); and

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

WHEREAS, February 6, 2017, the RJSCB issued a request for proposals for architectural services for the School 2 project (Resolution 2016-17: 136); and

WHEREAS, the RJSCB approved the selection of Clark Patterson Lee ("CPL" or "Architect") as the Architect for the School 2 project (Resolution 2016-17: 151); and

WHEREAS, the RJSCB entered into an agreement with CPL, dated March 6, 2017, entitled Agreement Between Board and Architect (the "Agreement"); and

WHEREAS, in connection with the Agreement, CPL retained Edge – Global Technology Solutions ("Edge-GTS") as a sub-consultant for the School 2 project; and

WHEREAS, Edge-GTS has requested waivers of the requirement that: (1) its insurance carrier be licensed in the State of New York on the grounds that Lloyds is a recognized insurance carrier that otherwise meets the requirements of the RSMP; and (2) it carry an excess liability insurance policy of not less than \$5 million on the grounds that such coverage is in excess of its existing \$4 million excess liability insurance policy; and

WHEREAS, Edge-GTS 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 waivers based upon its review of Edge-GTS's policy and the limited scope of its work on the School 2 project; and

WHEREAS, the M/WBE and Services Procurement Committee reviewed and discussed the waiver request at its meeting on September 7, 2017, and, after due deliberation, it approved the forwarding of the waiver request to the full Board for its consideration.

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby waives the requirement that Edge-GTS provide excess liability coverage of \$5,000,000 and accepts Edge-GTS's excess liability coverage of \$4,000,000 for the School 2 project; and
2. The RJSCB hereby waives the requirement that Edge-GTS's insurance carrier be licensed in the State of New York and accepts the insurance policy issued by Lloyds for the School 2 project.

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

**Resolution 2017-18: 39
Change Order #8 to Thurston Dudek Contract (Monroe)**

By Board Member Benincasa

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

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

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

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

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

WHEREAS, following the execution of the Contract, Thurston Dudek, along with the Campus Construction (the Construction Manager), and the Program Manager, identified changes in the scope of work, and cost proposals were then obtained for this change in scope and provided to the Construction Manager and the Program Manager for review; and

WHEREAS, Change Order #8 includes the following items:

1. Additional condensate piping – \$32,370.49

The Total amount of Change Order #8 is \$32,370.49; 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 Thurston Dudek's Contract should be amended to add this scope item for a total increase in the Contract Sum of \$32,370.49; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its September 7, 2017 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

1. The proposed Change Order to Thurston Dudek's Contract between the Board and Contractor dated June 9, 2015 as set forth above is hereby approved; and
2. The RJSCB's Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute a Change Order to the Contract that is consistent with this approval and in an acceptable form to the Chair upon the advice of the Program Manager and the RJSCB's general counsel.

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

**Resolution 2017-18: 40
Change Orders #8, #9, and #10 to Manning Squires Hennig Contract (Monroe Phase 2a)**

By Board Member Benincasa

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

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

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

WHEREAS, the RJSCB approved the award of the 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 #8 includes the following item:

- | | | |
|----|--|------------|
| 1. | Column footing & steel framing revisions – | \$4,815.22 |
| 2. | Stair infill structural steel – | \$5,713.79 |
| 3. | Stair tower footer obstruction – | \$2,283.22 |

The Total amount of Change Order #8 is \$12,812.23; and

WHEREAS, Change Order #9 includes the following items:

- | | | |
|----|---|-------------|
| 1. | Patch 3 rd floor ceiling duct openings – | \$12,531.91 |
|----|---|-------------|

The Total amount of Change Order #9 is \$12,531.91; and

WHEREAS, Change Order #10 includes the following item:

- | | | |
|----|--|-------------|
| 1. | Various ceiling work in rooms 213, 215 and 217 – | \$18,923.00 |
|----|--|-------------|

The Total amount of Change Order #10 is \$18,923.00; and

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

WHEREAS, the Program Manager thereafter recommended to the RJSCB's M/WBE and Services Procurement Committee (the "Committee") that Manning Squires' Contract should be amended to add these scope items for a total net increase in the Contract Sum of \$44,267.14; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its September 7, 2017 meeting and after due deliberation, it approved the request to amend the Contract.

THEREFORE, BE IT RESOLVED:

1. The proposed Change Orders to Manning Squires Hennig, Inc.'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 Change Orders to the Contract that are consistent with this approval and in an acceptable form to the Chair upon the advice of the Program Manager and the RJSCB's general counsel.

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

**Resolution 2017-18: 41
Change Orders #6 through #12 to MA Ferrauilo Contract (Monroe Phase 2a)**

By Board Member Benincasa

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

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

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

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

WHEREAS, the RJSCB entered into a contract with MA Ferrauilo (Resolution 2016-17: 61) dated September 29, 2016 (the "Contract"), to perform the scope of services defined in the contract documents as the mechanical contractor's scope of work; and

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

WHEREAS, Change Order #6 includes the following items:

- | | |
|--|------------|
| 1. Remove obstructions at locker wall cavities – | \$1,289.00 |
| 2. Waste piping in rooms 1, 3 and 5 – | \$2,348.00 |
| 3. Duct demolition in room 215 – | \$1,578.00 |

The Total amount of Change Order #6 is \$5,215.00; and

WHEREAS, Change Order #7 includes the following items:

- | | |
|---|--------------|
| 1. Scope transfer from Phase 1 to Phase 2 – | \$165,235.00 |
|---|--------------|

The Total amount of Change Order #7 is \$165,235.00; and

WHEREAS, Change Order #8 includes the following items:

- | | |
|---|-------------|
| 1. Construction of the 2 nd floor blue rooms – | \$26,955.81 |
|---|-------------|

The Total amount of Change Order #8 is \$26,955.81; and

WHEREAS, Change Order #9 includes the following items:

- | | |
|---|-------------|
| 1. Construction of the 2 nd floor blue rooms – | \$23,628.37 |
|---|-------------|

The Total amount of Change Order #9 is \$23,628.37; and

WHEREAS, Change Order #10 includes the following items:

- | | |
|---|-------------|
| 1. Construction of the 2 nd floor blue rooms – | \$83,685.02 |
|---|-------------|

The Total amount of Change Order #10 is \$83,685.02; and

WHEREAS, Change Order #11 includes the following items:

- | | |
|---|-------------|
| 1. Construction of the 2 nd floor blue rooms – | \$38,328.83 |
|---|-------------|

The Total amount of Change Order #11 is \$38,328.83; and

WHEREAS, Change Order #12 includes the following items:

- | | |
|--------------------------------|------------|
| 1. Art room 315 kiln exhaust – | \$6,732.82 |
| 2. Corridors 3C-2 and 3C-4 – | \$3,785.00 |

The Total amount of Change Order #12 is \$10,517.82; and

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

WHEREAS, the Program Manager thereafter recommended to the RJSCB's M/WBE and Services Procurement Committee (the "Committee") that MA Ferrauilo's Contract should be amended to add these scope items for a total net increase in the Contract Sum of \$353,605.85; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its September 7, 2017 meeting and after due deliberation, it approved the request to amend the Contract.

THEREFORE, BE IT RESOLVED:

1. The proposed Change Orders to MA Ferrauilo's Contract between the Board and Contractor dated September 29, 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 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 Brown

Approved 6-0 with Member Cruz away

Resolution 2017-18: 42

Change Orders #7, #8, and #9 to Lloyd Mechanical Contracting LLC Contract (Monroe Phase 2a)

By Board Member Benincasa

WHEREAS, the Rochester School Facilities Modernization Program Act ("the Act") established the Rochester Joint Schools Construction Board ("RJSCB"), 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 plumbing contractor contract to Lloyd Mechanical Contracting LLC ("Lloyd") for the Monroe High School project in Phase 2a (Resolution 2016-17: 61); and

WHEREAS, the RJSCB entered into a contract with Lloyd dated September 29, 2016 (the "Contract"), to perform the scope of services defined in the contract documents as the plumbing contractor's scope of work; and

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

WHEREAS, Change Order #7 includes the following items:

- | | |
|--|------------|
| 1. Elevator E-003 roof drain – | \$549.60 |
| 2. Disconnecting utilities for cafeteria and School 15 – | \$8,751.05 |
| 3. Sink in room 241A – | \$2,417.55 |

The Total amount of Change Order #7 is \$11,718.20; and

WHEREAS, Change Order #8 includes the following items:

- | | |
|---|-------------|
| 1. Emergency gas service in various science rooms – | \$22,339.35 |
|---|-------------|

The Total amount of Change Order #8 is \$22,339.35; and

WHEREAS, Change Order #9 includes the following items:

- | | |
|---|-------------|
| 1. Plumbing redesign in rooms 322 and 324 – | \$13,324.96 |
|---|-------------|

The Total amount of Change Order #9 is \$13,324.96; 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 Lloyd's Contract should be amended to add these scope items for a total increase in the Contract Sum of \$47,382.51; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its September 7, 2017 meeting and after due deliberation, it approved the request to amend the Contract.

THEREFORE, BE IT RESOLVED:

1. The proposed Change Orders to Lloyd's Contract between the Board and Contractor dated September 29, 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 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 Brown

Approved 6-0 with Member Cruz away

Resolution 2017-18: 43

Change Orders #1, #2, and #3 to Mark Cerrone Contract (Children’s School of Rochester)

By Board Member Benincasa

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

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

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

WHEREAS, the RJSCB approved the award of the Asbestos Abatement and Demolition contract to Mark Cerrone, Inc. (“Mark Cerrone”) for the Children’s School of Rochester School 1/15 (“Children’s School of Rochester”) project at its regular meeting on June 16, 2017 (Resolution 2016-17: 229); and

WHEREAS, the RJSCB subsequently entered into a contract with Mark Cerrone (Resolution 2016-17: 229) dated June 16, 2017 (the “Contract”), to perform the scope of services defined in the contract documents as the Asbestos Abatement and Demolition Contractor’s scope of work; and

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

- 1. Delete tin salvage work - (\$24,000.00)
- The total amount of Change Order #1 is (\$24,000.00); and

WHEREAS, Change Order #2 includes the following item:

- 1. Change to glue/mastic removal process - (\$7,800.00)
- The total amount of Change Order #2 is (\$7,800.00); and

WHEREAS, Change Order #3 includes the following item:

- 1. Temporary fire alarm system lightening protection - \$4,772.04
- The total amount of Change Order #3 is \$4,772.04; 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 that Mark Cerrone’s Contract should be amended to add and delete these scope items for a total net decrease in the Contract Sum of \$27,027.96; and

WHEREAS, the Committee considered and discussed the Program Manager’s recommendation at its September 7, 2017 meeting and after due deliberation, it approved the request to amend the Contract.

THEREFORE, BE IT RESOLVED:

- 1. The proposed Change Order to Mark Cerrone, Inc.’s Contract between the Board and Contractor dated June 16, 2017 as set forth above is hereby approved; and
- 2. The RJSCB’s Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute Change Orders to the Contract that is consistent with this approval and in an acceptable form to the Chair upon the advice of the Program Manager and the RJSCB’s general counsel.

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

Commissioning Agent Contract Award – LaBella Associates, D.P.C. (Monroe 2b)

By Board Member Benincasa

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

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

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

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

WHEREAS, the RJSCB approved the selection of LaBella Associates D.P.C. (“LaBella”) as the commissioning agent for Phase 2a of the James Monroe High School project (Resolution 2015-16: 176); and

WHEREAS, the RJSCB entered into an agreement with LaBella for commissioning agent services for Monroe 2a (Resolution 2015-16: 176); and

WHEREAS, Phase 2b of the James Monroe High School (“Monroe 2b”) project is underway and the services of a commissioning agent are necessary given the scope of the work for said project; and

WHEREAS, the RJSCB recognizes that experience, knowledge, and consistency are critical factors when completing the mechanical, electrical, and plumbing systems within a building; and

WHEREAS, LaBella is most familiar with the mechanical, electrical and plumbing systems within the Monroe building, having performed as commissioning agent for the Monroe Phase 1 and Phase 2a projects; and

WHEREAS, the RJSCB believes that the time necessary for a formal request for proposal and selection process for this service will not achieve any measurable cost savings where negotiations can achieve the same outcome in a more timely fashion; and

WHEREAS, LaBella has submitted a written proposal for the commissioning agent services, which has been reviewed and analyzed by the Program Manager; and

WHEREAS, on August 23, 2017, the Program Manager recommended that LaBella’s proposal be accepted and that it be awarded the commissioning agent contract for Monroe 2b project in the amount of \$48,830.00; and

WHEREAS, the M/WBE and Services Procurement Committee (the “Committee”) discussed and considered the Program Manager’s recommendation at its September 7, 2017 meeting, and after due deliberation, the Committee approved the recommendation to award the commissioning agent contract to LaBella for the Monroe 2b project in the amount of \$48,830.00.

THEREFORE, BE IT RESOLVED:

1. That the RJSCB hereby approves LaBella Associates, D.P.C. to provide commissioning agent services for the Monroe 2b project of the RSMP; and
2. The RJSCB’s Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute an agreement with LaBella Associates, D.P.C. for commissioning agent services in the amount of \$48,830.00 that is consistent with this approval and in an acceptable form to the Chair upon the advice of the RJSCB’s general counsel.

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

Resolution 2017-18: 45

Feasibility Study Contract Award – SWBR (John Marshall Campus)

By Board Member Benincasa

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

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

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

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

WHEREAS, the RJSCB’s Program Manager for Phase 2, Savin Engineers P.C. (“Program Manager”), working with the District, developed a list and description of proposed Phase 2 projects known as the Phase 2 Comprehensive Master Plan dated March 2016 (the “Master Plan”); and

WHEREAS, the Board of Education approved the Master Plan at its monthly meeting on March 24, 2016 (BOE Resolution 2015-16: 630); and

WHEREAS, the RJSCB approved the forwarding of the Master Plan to the New York State Office of the State Comptroller (“Comptroller”) and the New York State Education Department (“SED”) for review and consideration in April 2016 (Resolution 2015-16: 144); and

WHEREAS, the Comptroller and SED each subsequently approved, as applicable, certain components of the Master Plan in accordance with the Act; and

WHEREAS, the Master Plan included a Preliminary Master Schedule that provided, among other things, a schedule for the use of swing space during Phase 2; and

WHEREAS, the District and the University of Rochester have determined that the students and staff of the East School will not be relocated to swing space during construction, which has necessitated adjustment to the Preliminary Master Schedule; and

WHEREAS, the Program Manager has prepared an updated swing space schedule, entitled Rochester Schools Phase 2: Updated Master Schedule for Swing Spaces (the “Updated Master Schedule”) to accommodate the determination regarding the East School made by the District and the University of Rochester; and

WHEREAS, the RJSCB reviewed and discussed the Updated Master Schedule at its July 17, 2017 meeting and after due deliberation, it accepted and approved the Updated Master Schedule (Resolution 2017-18: 8); and

WHEREAS, pursuant to the Updated Master Schedule, the John Marshall Campus will be used as swing space for School 2 and School 10; and

WHEREAS, the Program Manager has determined the necessity of a swing space feasibility study for the John Marshall Campus for “test fit” and exploratory work necessary for the design of the “make ready” improvements at the school; and

WHEREAS, SWBR Architecture, Engineering & Landscape Architecture, P.C. (“SWBR”) was retained by the RJSCB to create the Phase 2 Master Plan (Resolution 2014-15: 37), and has significant experience and knowledge regarding the District’s school buildings, infrastructure, and the use of same; and

WHEREAS, the RJSCB believes that the time necessary for a formal request for proposal and selection process for this service will not achieve any measurable cost savings where negotiations can achieve the same outcome in a more timely fashion; and

WHEREAS, SWBR has submitted a written proposal for the feasibility study services, which has been reviewed and analyzed by the Program Manager; and

WHEREAS, on August 28, 2017, the Program Manager recommended that SWBR's proposal be accepted and that it be awarded the feasibility study contract for the John Marshall Campus project in the amount of \$39,050.00; and

WHEREAS, the M/WBE and Services Procurement Committee (the "Committee") discussed and considered the Program Manager's recommendation at its September 7, 2017 meeting, and after due deliberation, the Committee approved the recommendation to award the feasibility study contract to SWBR for the John Marshall Campus project in the amount of \$39,050.00.

THEREFORE, BE IT RESOLVED:

1. That the RJSCB hereby approves SWBR to provide a feasibility study for the John Marshall Campus; and
2. The RJSCB's Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute an agreement with SWBR for the feasibility study services in the amount of \$39,050.00 that is consistent with this approval and in an acceptable form to the Chair upon the advice of the RJSCB's general counsel.

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

**Resolution 2017-18: 46
Contract Award – Video Surveillance Equipment (DWT 2a and 2b)**

By Board Member Benincasa

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

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

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

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

WHEREAS, the RJSCB's Program Manager, with the advice of Millennium Strategies (the "DWT Consultant"), and the RJSCB's general counsel, prepared a mini-bid package for the DWT project associated with School 7, School 16, School Without Walls, and Children's School of Rochester 1/15 projects in Phase 2 of the RSMP to be collectively known as the "DWT-2 Mini-Bid Package #1"; and

WHEREAS, the commodities to be procured as a part of the DWT-2 Mini-Bid Package #1 include security cameras/video surveillance components including hardware, software and installation services for School 7, School 16, School Without Walls and Children's School of Rochester; and

WHEREAS, the RJSCB approved the issuance of a Request for Bids at its monthly meeting on August 7, 2017 (Resolution 2017-18: 20); and

WHEREAS, the RJSCB received a single bid for the DWT-2 Mini-Bid Package #1 per the deadline stipulated in the Request for Bids, and that bid was subsequently publicly opened and read aloud at the location stated in the Request for Bids; and

WHEREAS, the DWT Consultant and the Program Manager have reviewed the bid and concluded that the apparent low bidder for the video surveillance equipment is also a qualified and responsible supplier of the required commodities; and

WHEREAS, at the M/WBE and Services Procurement Committee (the "Committee") meeting held on September 7, 2017, following the review and consideration of recommendations provided by the DWT Consultant and the Program Manager and, after due deliberation by the Committee, Day Automation, a distributor listed on the competitively bid State Contract

PT64059, was identified as being the low responsible supplier of video surveillance equipment; and

WHEREAS, the Committee approved the recommendation of the DWT Consultant and the Program Manager to award the commodity DWT-2 Mini-Bid Package #1 as follows:

Vendor	Commodity	State Contract	Not to Exceed Amount
Day Automation	Video Surveillance	PT64059	\$314,958.85

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the recommendation of the DWT Consultant and the Program Manager to utilize State Contract PT64059 to procure the equipment and materials as indicated above and associated with the DWT-2 Mini-Bid Package #1 in Phases 2a and 2b of the RSMP; and
2. The RJSCB hereby awards the DWT-2 Mini-Bid Package #1 to Day Automation for video surveillance equipment, and the Chair, with the advice of the Program Manager and the RJSCB's general counsel, will develop and issue a purchase order to procure the commodities through the State Contract from this firm.

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

Resolution 2017-18: 47
Pay Requisition Summary Acceptance (August 2017)

By Board Member Benincasa

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

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

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

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

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

WHEREAS, the RJSCB, at its regular monthly meeting on April 7, 2014, revised the Pay Requisition Approval Procedure (Resolution 2013-14: 257) to include discussion of the Pay Requisition Summary by the Finance Committee and certain verification activities by the Program Manager following each monthly Board meeting; and

WHEREAS, the RJSCB, at its regularly monthly meeting on January 17, 2017, revised the Pay Requisition Approval Procedure (Resolution 2016-17: 118) to add certain additional internal controls to assist the RJSCB by clarifying duties in absence of an Executive Director and by providing additional internal controls; and

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

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

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

WHEREAS, Excel Aid funding associated with the RSMP is currently in the final stages of review and certification by the Dormitory Authority of the State of New York (“DASNY”); and

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

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

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

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

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

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

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

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

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

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

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

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

WHEREAS, the Program Manager forwarded the regular monthly Pay Requisition Summary (attached to this Resolution) totaling \$198,402.93, including all invoices to be paid by the Trustee using bond proceeds and those invoices to be paid by the District using other funding, to the RJSCB Chair with copy to the full Board on August 10, 2017; and

WHEREAS, the Program Manager forwarded the Phase 2 monthly Pay Requisition Summary (attached to this Resolution) totaling \$4,807,634.17, including all invoices to be paid by the District using funds advanced by the District to the RJSCB and those invoices to be paid out of the City BAN proceeds, to the RJSCB Chair with copy to the full Board on August 10, 2017; and

WHEREAS, the RJSCB Chair approved the regular monthly Pay Requisition Summary and the Phase 2 monthly Pay Requisition Summary on September 7, 2017; and

WHEREAS, the RJSCB’s Phase 1 and Phase 2 Program Managers reviewed the regular monthly Pay Requisition Summary and the Phase 2 monthly Pay Requisition Summary with the RJSCB’s Finance Committee at its meeting on September 7, 2017.

THEREFORE, BE IT RESOLVED:

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

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

Action Items

**Resolution 2017-18: 48
Program Verification Approval – George Mather Forbes School 4 (Phase 2c)**

By Board Member Richards

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, George Mather Forbes School 4 (“School 4”) is one of the projects included in Phase 2c of the RSMP as provided in the Phase 2 Master Plan; and

WHEREAS, February 6, 2017, the RJSCB issued a request for proposals for architectural services for Phase 2c Schools (Resolution 2016-17: 136); and

WHEREAS, the RJSCB approved the selection of CJS Architects (“CJS” or “Architect”) as the Architect for the Phase 2c School 4 project (Resolution 2016-17: 151); and

WHEREAS, the RJSCB entered into an agreement with CJS, dated March 6, 2017, entitled Agreement Between Board and Architect (the “Agreement”); and

WHEREAS, the Agreement authorized CJS to begin the program verification and planning associated with the School 4 project; and

WHEREAS, the Agreement requires that upon completion of the Program Verification Phase, CJS shall provide an update to the RJSCB and to the District, and the Program Manager shall seek authorization from the RJSCB and the District to proceed to the next phase in the design process, the Schematic Design Phase; and

WHEREAS, on July 4, 2017, CJS and the Program Manager presented the School 4 program verification plans to the Superintendent and and/or her designated representatives and received authorization to proceed to the next step in the design process; and

WHEREAS, at its regular monthly meeting on September 11, 2017, the Architect presented the School 4 program verification plans to the RJSCB.

THEREFORE, BE IT RESOLVED:

1. The Program Verification Documents for the School 4 project are hereby approved; and
2. The Program Manager is hereby authorized to direct the Architect for School 4 project (CJS) to proceed with the next phase in the design process, the Schematic Design Phase.

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

Resolution 2017-18: 49
Program Verification Approval – Dr. Walter Cooper Academy School 10 (Phase 2c)

By Board Member Richards

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, Dr. Walter Cooper Academy School 10 (“School 10”) is one of the projects included in Phase 2c of the RSMP as provided in the Phase 2 Master Plan; and

WHEREAS, February 6, 2017, the RJSCB issued a request for proposals for architectural services for Phase 2c Schools (Resolution 2016-17: 136); and

WHEREAS, the RJSCB approved the selection of SEI Design Group (“SEI” or “Architect”) as the Architect for the School 10 project (Resolution 2016-17: 151); and

WHEREAS, the RJSCB entered into an agreement with SEI, dated March 6, 2017, entitled Agreement Between Board and Architect (the “Agreement”); and

WHEREAS, the Agreement authorized SEI to begin the program verification and planning associated with the School 10 project; and

WHEREAS, the Agreement requires that upon completion of the Program Verification Phase, SEI shall provide an update to the RJSCB and to the District, and the Program Manager shall seek authorization from the RJSCB and the District to proceed to the next phase in the design process, the Schematic Design Phase; and

WHEREAS, on August 31 and September 7, 2017, SEI and the Program Manager presented the School 10 program verification plans to the Superintendent and and/or her designated representatives and received authorization to proceed to the next step in the design process; and

WHEREAS, at its regular monthly meeting on September 11, 2017, the Architect presented the School 10 program verification plans to the RJSCB.

THEREFORE, BE IT RESOLVED:

1. The Program Verification Documents for the School 10 project are hereby approved; and
2. The Program Manager is hereby authorized to direct the Architect for School 10 project (SEI) to proceed with the next phase in the design process, the Schematic Design Phase.

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

Resolution 2017-18: 50
Schematic Design Documents Approval – Clara Barton School 2 (Phase 2c)

By Board Member Richards

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, Clara Barton School 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, February 6, 2017, the RJSCB issued a request for proposals for architectural services for Phase 2c Schools (Resolution 2016-17: 136); and

WHEREAS, the RJSCB approved the selection of Clark Patterson Lee (“CPL” or “Architect”) as the Architect for the Phase 2c School 2 project (Resolution 2016-17: 151); and

WHEREAS, the RJSCB entered into an agreement with CPL, dated March 6, 2017, entitled Agreement Between Board and Architect (the “Agreement”); and

WHEREAS, the Agreement authorized CPL to begin the program verification and planning associated with the School 2 project; and

WHEREAS, at its regular monthly meeting on August 7, 2017, the RJSCB approved the Program Verification Documents for the School 2 project (Resolution 2017-18: 10); and

WHEREAS, pursuant to the Agreement Between Board and Architect, CPL has now submitted Schematic Design Documents for the School 2 project to the Program Manager and the Building Advisory Committee members for review; and

WHEREAS, Building Advisory Committee meetings have been held throughout the schematic design phase for the School 2 project, which includes participants from the Program Manager, Architect, representatives from the District’s facilities department, the City, the building principal, teachers, staff, parents, and community members; and

WHEREAS, the Program Manager and the Building Advisory Committee have approved the Schematic Design Documents for the School 2 project; and

WHEREAS, at the RJSCB’s September 11, 2017 regular meeting, CPL presented the School 2 Schematic Design Documents for review and approval; and

WHEREAS, the RJSCB considered and discussed the School 2 Schematic Design Documents at its September 11, 2017 regular meeting, and after due deliberation, the RJSCB approved the Schematic Design Documents and authorized CPL to proceed with the next phase of design.

THEREFORE, BE IT RESOLVED:

1. The Schematic Design Documents for the School 2 project are hereby approved; and
2. The Program Manager is hereby authorized to direct the Architect for School 2 project (CPL) to proceed with the next phase in the design process, the Design Development Phase.

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

Resolution 2017-18: 51
Escrow Agent Services – Monroe High School Phase 2

By Board Member Jones

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

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

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

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

WHEREAS, the RJSCB purchased a comprehensive Builder’s Risk Insurance policy for Phase 2 of the RSMP, which includes Builder’s Risk and Existing Structure coverage, from Travelers Casualty Company of America (“Travelers”); and

WHEREAS, Phases 2a and 2b are currently underway for the Monroe High School project; and

WHEREAS, on or about August 14, 2017, the Program Manager discovered a water related casualty loss at Monroe High School, and a claim was thereafter made on the Travelers Builder’s Risk policy; and

WHEREAS, the RJSCB has taken measures to mitigate and remediate the losses, and Travelers has authorized the RJSCB to engage consultants, contractors and vendors to do so; and

WHEREAS, Travelers has advised the Program Manager that an escrow account should be established to pay consultants, contractors and vendors and other casualty loss expenses with the proceeds from the Travelers Builder’s risk policy; and

WHEREAS, the RJSCB has determined to enter into an escrow agreement with Bond, Schoeneck & King, PLLC, its Phase 2 general counsel, and Travelers to allow for the payment of the Monroe High School project casualty loss related expenses incurred by the RJSCB with proceeds from the Travelers Builder’s Risk policy.

THEREFORE, BE IT RESOLVED:

1. That the RJSCB hereby approves Bond, Schoeneck & King, PLLC to act as escrow agent in connection with the Builder’s Risk Insurance Policy funds paid by Travelers resulting from the casualty loss at Monroe High School; and
2. The RJSCB’s Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute an escrow agreement with Travelers and Bond, Schoeneck & King, PLLC that is consistent with this approval and in an acceptable form to the Chair.

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

Resolution 2017-18: 52
Contract Awards – General Construction, Mechanical and Electrical (*Plumbing tabled*) – Monroe (Phase 2b)

By Board Member Brown

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

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

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

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

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

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

WHEREAS, Phase 2b of the RSMP includes general construction, mechanical, plumbing and electrical work at James Monroe High School; and

WHEREAS, the Program Manager worked with the Monroe 2b Architect and Construction Manager to prepare requests for bids for general construction, mechanical, electrical and plumbing bidding documents package; and

WHEREAS, the RJSCB authorized the release of the general construction, mechanical, plumbing and electrical work package at its regular meeting on April 10, 2017 (Resolution 2016-17: 171); and

WHEREAS, the Program Manager received bids on August 17, 2017 per the deadline stipulated in the Request for Bids for the Monroe 2b 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 and the Construction Manager reviewed the bids submitted for the Monroe 2b project, conducted de-scoping meetings, and concluded that the apparent low bidders are also qualified and responsible bidders; and

WHEREAS, the Independent Compliance Officer ("ICO") has conducted an initial review of the apparent low bidders' compliance with the MWBE/DBE/SBE Utilization and Workforce Diversity requirements of the Contract Documents (Specifications Section 004331) and continues to work with the apparent low bidders to the extent that such bidders have not demonstrated full compliance with the requirements of Specifications Section 004331; and

WHEREAS, on September 7, 2017, the Program Manager, ICO and Construction Manager provided their award recommendations regarding the general construction, mechanical, electrical and plumbing work contracts for the Monroe 2b project to the RJSCB; and

WHEREAS, at the M/WBE and Services Procurement Committee ("Committee") meeting held on September 7, 2017, following the review and consideration of the recommendations from the Program Manager, Construction Manager and ICO, and after due deliberation by the Committee, the Committee approved the contract awards to the following contractors contingent on the ICO's determination of each contractor's compliance with Specifications Section 004331 or its decision to grant a waiver of such requirements based upon the contractor's good faith efforts undertaken in attempting to meet the RSMP diversity goals and any other relevant factors:

<u>Scope of Work</u>	<u>Name of Contractor</u>	<u>Address</u>	<u>Bid Amount</u>
General	Manning Squires Hennig Co., Inc.	PO Box 685 Batavia, NY 14021	\$17,939,000.00 (including Alternates 1, 2 and 11)

Mechanical	John W. Danforth Company	930 Old Dutch Road Victor, NY 14564	\$3,071,300.00 (including Alternate 13)
Electrical	Concord Electric Corp.	705 Maple Street Rochester, NY 14611	\$3,349,000.00
Plumbing	Lloyd Mechanical Co. LLC	214 Hilton Parma TL Road Hilton, NY 14468	\$1,598,000.00

WHEREAS, at the RJSCB regular monthly meeting held on September 11, 2017, the ICO recommended to the RJSCB that the award of the plumbing scope of work be tabled pending additional review and discussion with the apparent low bidder concerning its compliance with, and good faith efforts undertaken to meet, the RSMP diversity goals.

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the above-stated recommendations that the contract awards shall be made to the above named firms and bid amounts to provide all equipment, labor, materials, and plant necessary to execute the general construction, mechanical, and electrical scopes of work associated with the Monroe 2b project contingent on the ICO's determination of each contractor's compliance with Specifications Section 004331 or its decision to grant a waiver of such requirements based upon the contractor's good faith efforts undertaken in attempting to meet the RSMP diversity goals and any other relevant factors; and
2. The RJSCB hereby tables the award of the plumbing scope of work pending additional review and discussion with the apparent low bidder concerning its compliance with, and good faith efforts undertaken to meet, the RSMP diversity goals.
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 for the general construction, mechanical and electrical scopes of work in substantially the form included in the Request for Bids for the Monroe 2b 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 Richards
Approved 6-0 with Member Cruz away

Resolution 2017-18: 53
Contract Awards - Demolition, Site Work and Roof Rebids – School 50 Project (Phase 1)

By Board Member Richards

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

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

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

WHEREAS, the Phase 1 Program Manager worked with the School 50 Architect to prepare request for bids ("Request for Bids") package for the School 50 project, which included a roof replacement project (the "Roof project") and School 50 field expansion and Maynard's Building abatement and demolition project (the Site/Demo project"); and

WHEREAS, the RJSCB authorized the release of the Phase 1 School 50 project at its meeting on March 6, 2017 (Resolution 2016-17: 150); and

WHEREAS, the RJSCB received bids on July 12, 2017 per the deadline stipulated in the Request for Bids, and those bids were publicly opened and read aloud on July 12, 2017 at the location stated in the Request for Bids; and

WHEREAS, the RJSCB received single bids for both projects, which bids were substantially in excess of the construction budget for each project; and

WHEREAS, the RJSCB, at its regular monthly meeting on July 17, 2017, rejected the bids received for the Roof project and the Site/Demo project and authorized the Program Manager to prepare documents and conduct a re-bid of the Phase 1 School 50 project (Resolutions 2017-2018: 13 and 2017-18: 14); and

WHEREAS, the Program Manager advertised and released the revised bid documents for the School 50 project on August 3, 2017, which included contracts for Demolition (#1), Site Work (#2) and Roof Work (#3); and

WHEREAS, the Program Manager received bids for the Demolition, Site and Roof scopes on August 31, 2017 per the deadline stipulated in the revised Request for Bids, and those bids were publicly opened and read aloud on that dated at the located stated in the Request for Bids; and

WHEREAS, the Program Manager and Construction Manager have reviewed the Demolition, Site and Roof bids for the School 50 project, conducted de-scoping meetings, and concluded that the apparent low bidders are also qualified and responsible bidders; and

WHEREAS, the Independent Compliance Officer (“ICO”) has conducted an initial review of the apparent low bidders’ compliance with the MWBE/DBE/SBE Utilization and Workforce Diversity requirements of the Contract Documents (Specifications Section 004331) and continues to work with the apparent low bidders to the extent that such bidders have not demonstrated full compliance with the requirements of Specifications Section 004331; and

WHEREAS, on September 7, 2017, the Program Manager, ICO and Construction Manager provided their award recommendations regarding the Demolition, Site and Roof work contracts for the School 50 project to the RJSCB; and

WHEREAS, at the M/WBE and Services Procurement Committee (“Committee”) meeting held on September 7, 2017, following the review and consideration of the recommendations from the Program Manager, Construction Manager and ICO, and after due deliberation by the Committee, the Committee approved the contract awards to the following contractors contingent on the ICO’s determination of each contractor’s compliance with Specifications Section 004331 or its decision to grant a waiver of such requirements based upon the contractor’s good faith efforts undertaken in attempting to meet the RSMP diversity goals and any other relevant factors:

<u>Scope of Work</u>	<u>Name of Contractor</u>	<u>Address</u>	<u>Bid Amount</u>
Demolition (Contract #1)	Total Wrecking & Environmental, LLC	70 Pearce Ave Tonawanda, NY 14150	\$424,420.00
Site Work (Contract #2)	Mark Cerrone, Inc.	2368 Maryland Ave. Niagara Falls, NY 14305	\$1,025,347.00 (including Alternates 1, 2 and 3)
Roof Work (Contract #3)	Elmer W. Davis, Inc.	1217 Clifford Ave. Rochester, NY 14621	\$1,038,477.00 (including Alternate 4)

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the above-stated recommendations that the contract awards shall be made to the above named firms and bid amounts to provide all equipment, labor, materials, and plant necessary to execute the Demolition, Site and Roof scopes of work associated with the School 50 project contingent on the ICO’s determination of each contractor’s compliance with Specifications Section 004331 or its decision to grant a waiver of such requirements based upon the contractor’s good faith efforts undertaken in attempting to meet the RSMP diversity goals and any other relevant factors; and
2. 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 School 50 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 Jones
Approved 6-0 with Member Cruz away**

Communications

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

Phase 1:

- 100% submissions for the July 2017 reporting period.
- 97.94% of all data requested has been received and approved (April 2011 through July 2017).
- Overall Workforce (EEO) Participation: Minority @ 22.82% (goal is 20%) and Women @ 7.23% (goal is 6.9%).
- Overall Business Participation: Minority @ 15.72% (goal is 15%), Women @ 7.42% (goal is 5%), Small @ 3.75% (goal is 5%) and Disadvantaged @ 2.33% (goal is 2%).
- Rochester Residents: 1 of the 13 workers for the July 2017 reporting period (or 7.69%). The average Rochester Resident workforce (construction) from inception (April 2011 through July 2017) is 27.25%.

Phase 2:

- 85.87% submissions for the July 2017 reporting period.
- 89.21% of all data requested has been received and approved (January 2016 through July 2017).
- Overall Workforce (EEO) Participation: Minority @ 40.36% (goal is 22%) and Women @ 9.92% (goal is 8%).
- Overall Business Participation: Minority @ 35.46% (goal is 17%), Women @ 13.03% (goal is 10%), Small @ 2.17% (goal is 3%) and Disadvantaged @ 1.38% (goal is 3%).
- Rochester Residents: 60 of the 244 workers for the July 2017 reporting period (or 24.59%).

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

– Monroe:

- Phase 2B granted SED Approval dated 7/27/17.
- Bids awarded by RJSCB for GC, MC, and EC contracts. PC award tabled until EBE goals are met or acceptable good faith efforts are demonstrated to the ICO by the lowest bidder for Plumbing Construction.
- Complete Demolition of School 15 is about 1 week behind schedule, but will be ready for the main project mobilization. Soft demolition completed in the existing Cafeteria. Heavy demolition is behind schedule but is non-critical at this time.
- Flood damage caused a 2-month delay of the Phase 2a work in affected areas. Schedule recovery is still "Work In Progress." Initial damage assessment concluded, and restoration work is ongoing. Travelers insurance will make initial disbursement of funds into an account held in escrow by Bond Schoeneck and King.

– East:

- Roof Project Completed Ahead of Schedule.
- Claim submitted for over 900k by the Architect (Cannon Design) for re-design efforts due to scope changes.
- Work continues at schematic design level for the main project. Schematic Design level specifications will be available October 1, 2017; anticipated bidding date is scheduled for March 2018.
- Construction start date is scheduled for May 2018 and scheduled to run until September 2021.

– School 7:

- Work begun on the Addition 4 days behind schedule.

– School 16:

- Early demo/abatement work complete.
- Structural work ongoing and on schedule.
- Trades mobilizing this week for the Primary project.

– School 1/15:

- Abatement/Demo on Schedule.

- Primary project Primes mobilized. Excavation started.

– SWW:

- Project on Budget and on Schedule.
- Interior & exterior Footings and foundation walls for the Addition 100% Complete, except for the Front Curved Wall.

– DTFLC:

- Second Main Office Work Ongoing.
- Secure Room Masonry Wall 90% complete. Ceramic tile on corridor wall is underway. New wood doors are on critical path and they have a 10-week lead-time from approved submittals. Firestopping and Fire Dampers work to start this week.
- Chiller and pool dehumidification equipment replacement design schedule slipped by 1 to 2 weeks. SED submission still scheduled for late October, for construction to start this December, and substantial completion, start-up and Commissioning to occur in May 2018.

– Edison:

- Sitework and Parking Lot Project Complete. RCSD and RTS changed their mind on the current bus queuing striping. A new layout is was prepared and reviewed with RTS and RCSD Facilities to restripe the lanes 14 ft wide.
- Roof work now on second shift to be completed end of October 2017.
- Construction Documents being developed for the Primary project will be reviewed internally this week. SED review scheduled for mid-October for bidding in November 2017.

Scope of Phase 2-B Primary Work

- 1st Floor, Area A: Structural repairs, complete interior renovation, MEP upgrades.
- 1st Floor, Area B: Structural repairs, MEP upgrades.
- 1st Floor, Area D: Architectural and MEP renovations to “Exploratory Manufacturing Suite.”
- Various Toilet Room Renovations throughout the building.
- Stairwell door/hardware replacement.
- Partial Exterior Building envelope.

– School 2:

- Design Development begun.
- Met with RCSD Facilities on 4 Sept 2017 to review the schematic design and get their sign-off. Eric Hanson wants a new option developed for an eight classroom single level addition, with a second level connecting corridor developed and costed. Starting a new option is costly, therefore we asked the team to accommodate adjustments in the design that are cost and time neutral.
- The team continues to pull any out of scope items from the base project, and create alternates for scope items that were added since the Program Verification phase.

– School 4:

- Program Verification presented to RJSCB 11 Sept 2017. Discussed potential study to use City parkland for vehicular access to the loading areas and regrading to provide additional daylighting for the basement classrooms.
- Additional Special Ed. Classrooms requested.
- Architect still awaiting final projected student enrollment to revise BAU/MCA calculations for incorporation into the final Program Verification report.
- Schematic Design continues.

– School 6:

- Program Verification Ongoing.

– School 10:

- PV presented to RJSCB 11 Sept 2017.
- Schematic Design expected to start 9/12/17.

– School 30/54:

- RFP for A/E services will be released this week.

– IDC:

- Phase 2a Final Reports: Monroe, School 7, School 16 - still need East.
- Phase 2b Final Reports: Monroe, SWW, School 1/15 -still need DFTLC and Edison.

– BOP:

- 19 Firms attending Instructional Series 3.
- First RSMP Revolving Loan application processed with REDCO.

The M/WBE and Services Procurement Committee Report for September 7, 2017 is included in the Members Packets.

The Finance Committee Report for September 7, 2017 is included in the Members packets.

Adjournment

Approved at 6:24 pm.

Motion by Member Benincasa

Second by Member Brown

Approved 6-0 with Member Cruz away