

Rochester Joint Schools Construction Board
Special Meeting Minutes
April 15, 2013
4:30 PM

Present

Chair Lois Giess, Members: Bob Brown, Brian Roulin, Jerome Underwood, Ann McCormick and ICO Windell Gray. Members Castro and Pifer were away. Also present were: Executive Director Tom Renauto, General Counsel Peter Abdella, and Program Director Tom Roger.

Chair Giess convened the meeting at 4:40pm

Chair Giess made a motion for the Board to go into Executive Session pursuant to Public Officers Law Section 105(1)(f), to discuss the performance of one of the particular companies which has performed services for the Phase 1 projects

Second by Member Roulin

Approved 5-0 with Members Castro and Pifer away

Executive Session Adjourned at 5:07pm

Motion by Chair Giess

Second by Member Underwood

Approved 5-0 with Members Castro and Pifer away

Action Items

Resolution 2012-13: 161

Contract Awards – Furniture, Fixtures, and Equipment (FF&E) - Revised

By Board Chair Giess

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

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

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

WHEREAS, the RJSCB’s Program Manager, with the advice of Vargas Associates (the “Move Manager”), the RJSCB’s general counsel, and the RJSCB’s Independent Compliance Officer, prepared a request for bids (“Request for Bids”) package for Furniture, Fixtures, and Equipment (“FF&E”) for the first three projects in Phase 1b of the RSMP (School 17, School 50, and Charlotte High School); and

WHEREAS the Request for Bids included FF&E items categorized into eleven primary groups including Group - 11 "Task Seating" and several non-grouped items including Non-Grouped Item – "Computer Tables"; and

WHEREAS, the RJSCB's Executive Director received bids on March 20, 2013 per the deadline stipulated in the Request for Bids, and those bids were subsequently publicly opened and read aloud at the location stated in the Request for Bids; and

WHEREAS, four bids were received for Group 11 -Task Seating and four bids were received for Non-Grouped Item – Computer Tables; and

WHEREAS, the Program Manager, Move Manager, and Independent Compliance Officer have reviewed the bids, conducted de-scoping meetings, and have inspected physical samples of certain items; and

WHEREAS, the RJSCB, upon consultation with its Program Manager and the Move Manager, has determined that products submitted by Hertz Furniture for Group -11 Task Seating do not meet the specified standards set forth in the bid documents; and

WHEREAS, the RJSCB, upon consultation with its Program Manager and the Move Manager, has determined that products submitted by Hertz Furniture for Non-Grouped Item – Computer Tables do not meet the specified standards set forth in the bid documents; and

WHEREAS, at its April 1, 2013 Board meeting, the RJSCB approved the recommended award of each of the eleven primary groups and the non-grouped items, including Group -11 Task Seating and Non-Grouped Item – Computer Tables by RJSCB Resolution 2012-13: 146, FF&E Awards; and

WHEREAS, the Move Manager has completed its review of the products submitted for Group 11 Task Seating by the second bidder, and now recommends that the award for the Group 11 - Task Seating be made to the second bidder; and

WHEREAS, upon further recommendation of the RJSCB's Program Manager and due consideration by the RJSCB, the RJSCB determined that the award for Group 11 - Task Seating should be awarded to the second bidder, FM Resources; and

WHEREAS, the Move Manager has completed its review of the products submitted for Non-Grouped Item – Computer Tables by the second bidder, and now recommends that the award for the Non-Grouped Item – Computer Tables be made to the second bidder; and

WHEREAS, upon further recommendation of the RJSCB's Program Manager and due consideration by the RJSCB, the RJSCB determined that the award for Non-Grouped Item – Computer Tables should be awarded to the second bidder, School Specialty Inc.; and

WEREAS, the RJSCB has yet to issue contracts for any of the FF&E awards; and

WHEREAS, the RJSCB wishes to modify the previously-approved RJSCB Resolution 2012-13: 146, FF&E Awards to properly reflect the firm FM Resources as the firm awarded Group 11 - Task Seating and the firm School Specialty Inc. as the firm awarded the Non-Grouped Item – Computer Tables as set forth in the table below:

Scope of Work	Name of Firm	Address
Group 1 – Activity Tables	School Specialty, Inc.	18 Mae Meadow Rochester, NY 14624
Group 2 – Art Room	School Specialty, Inc.	18 Mae Meadow Rochester, NY 14624

Group 3 – Cafeteria Tables	Facilities Equipment & Service, Inc.	11 State Street, Suite 201 Pittsford, NY 14534
Group 4 – Conference Furniture	FM Resources	1 Woodbury Blvd Rochester, NY 14604
Group 5 – Desks	FM Resources	1 Woodbury Blvd Rochester, NY 14604
Group 6 – Lounge Furniture	FM Resources	1 Woodbury Blvd Rochester, NY 14604
Group 7 – Library Furniture	Facilities Equipment & Services, Inc.	11 State Street, Suite 201 Pittsford, NY 14534
Group 8 – Music Furniture	Hertz Furniture	95 McKee Drive Mahwah, NJ 07430
Group 9 – Storage	FM Resources	1 Woodbury Blvd Rochester, NY 14604
Group 10 – Student Furniture	Hertz Furniture	95 McKee Drive Mahwah, NJ 07430
Group 11 – Task Seating	FM Resources	1 Woodbury Blvd Rochester, NY 14604
Non-Grouped Items – Carpet (Solid)	School Specialty, Inc.	18 Mae Meadow Rochester, NY 14624
Non-Grouped Items – Carpet (Elementary)	Hertz Furniture	95 McKee Drive Mahwah, NJ 07430
Non-Grouped Items – Cubby Unit	School Specialty, Inc.	18 Mae Meadow Rochester, NY 14624
Non-Grouped Items – Sand & Water Table	School Specialty, Inc.	18 Mae Meadow Rochester, NY 14624
Non-Grouped Items – Computer Tables	School Specialty, Inc.	18 Mae Meadow Rochester, NY 14624
Non-Grouped Items – First Aid Couch	School Specialty, Inc.	18 Mae Meadow Rochester, NY 14624
Non-Grouped Items – Metal Shelving	School Specialty, Inc.	18 Mae Meadow Rochester, NY 14624
Non-Grouped Items – Folding Table and Cart	No award recommended	
Non-Grouped Items – Podium	School Specialty, Inc.	18 Mae Meadow Rochester, NY 14624

THEREFORE, BE IT RESOLVED:

1. RJSCB Resolution 2012-13: 146 is hereby modified in that the award for Group 11 - Task Seating is awarded to FM Resources and that the award for Non-Grouped Item – Computer Tables is awarded to School Specialty Inc. and that the contract awards shall be made to the above named firms to provide the necessary Furniture, Fixtures, and Equipment (delivered and installed at point of use) for the first three projects in Phase 1a of the RSMP (School 17, School 50, and Charlotte High School); and
2. A subsequent resolution will be brought to the full Board for review and approval upon confirmation of final quantities and finish selections by each of the project architects in the coming weeks, and at that time the Chair will be authorized, in the name and on behalf of the RJSCB, to execute and deliver a Purchase Order to the firms named above in substantially the form included in the Request for Bids for the Furniture, Fixtures, and Equipment with such changes as the Chair may approve (the Chair's signature thereon being conclusive evidence of such approval) on the advice of the Program Manager and the RJSCB's general counsel; and

3. The RJSCB hereby approves the recommendation of the Program Manager to procure certain items off of State Contract where possible for those items which bidders did not meet the standards specified in the Request for Bids.

**Second by Member Brown
Approved 5-0 with Members Castro and Pifer away**

**Resolution 2012-13: 162
FF&E Purchase Orders**

By Board Chair Giess

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

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

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

WHEREAS, the RJSCB’s Program Manager, with the advice of Vargas Associates (the “Move Manager”), the RJSCB’s general counsel, and the RJSCB’s Independent Compliance Officer, prepared a request for bids (“Request for Bids”) package for Furniture, Fixtures, and Equipment (“FF&E”) for the first three projects in Phase 1a of the RSMP (School 17, School 50, and Charlotte High School); and

WHEREAS, the RJSCB’s Executive Director received bids on March 20, 2013 per the deadline stipulated in the Request for Bids, and those bids were subsequently publicly opened and read aloud at the location stated in the Request for Bids; and

WHEREAS, the Program Manager, Move Manager, and Independent Compliance Officer have reviewed the bids, conducted de-scoping meetings, and have inspected physical samples of certain items; and

WHEREAS, the Program Manager and the Move Manager have determined that the low bidder for some of the bid groups did not meet the specified standards for the products specified in the Request for Bids; and

WHEREAS, the RJSCB previously approved RJSCB Resolution 2012-13: 146 FF&E Awards and Resolution 2012-13: 161 FF&E Awards - Revised, as set forth in the table below, and the Move Manager has now verified and coordinated the quantities and finishes with the Architect(s) of Record for each project and has tabulated the total contract value for each Group:

Scope of Work	Name of Firm	Address	Contract Award
Group 1 – Activity Tables	School Specialty, Inc.	18 Mae Meadow Rochester, NY 14624	\$34,427.64
Group 2 – Art Room	School Specialty, Inc.	18 Mae Meadow Rochester, NY 14624	\$29,228.64
Group 3 – Cafeteria Tables	Facilities Equipment & Service, Inc.	11 State Street, Suite 201 Pittsford, NY 14534	\$108,610.00

Group 4 – Conference Furniture	FM Resources	1 Woodbury Blvd Rochester, NY 14604	\$12,559.97
Group 5 – Desks	FM Resources	1 Woodbury Blvd Rochester, NY 14604	\$187,972.47
Group 6 – Lounge Furniture	FM Resources	1 Woodbury Blvd Rochester, NY 14604	\$25,796.39
Group 7 – Library Furniture	Facilities Equipment & Services, Inc.	11 State Street, Suite 201 Pittsford, NY 14534	\$110,872.00
Group 8 – Music Furniture	Hertz Furniture	95 McKee Drive Mahwah, NJ 07430	\$27,084.97
Group 9 – Storage	FM Resources	1 Woodbury Blvd Rochester, NY 14604	\$113,598.92
Group 10 – Student Furniture	Hertz Furniture	95 McKee Drive Mahwah, NJ 07430	\$265,646.12
Group 11 – Task Seating	FM Resources	1 Woodbury Blvd Rochester, NY 14604	\$170,240.40
Non-Grouped Items – Carpet (Solid)	School Specialty, Inc.	18 Mae Meadow Rochester, NY 14624	\$578.73
Non-Grouped Items – Carpet (Elementary)	Hertz Furniture	95 McKee Drive Mahwah, NJ 07430	\$1,735.20
Non-Grouped Items – Cubby Unit	School Specialty, Inc.	18 Mae Meadow Rochester, NY 14624	\$6,315.12
Non-Grouped Items – Sand & Water Table	School Specialty, Inc.	18 Mae Meadow Rochester, NY 14624	\$1,665.95
Non-Grouped Items – Computer Tables	School Specialty, Inc.	18 Mae Meadow Rochester, NY 14624	\$44,119.27
Non-Grouped Items – First Aid Couch	School Specialty, Inc.	18 Mae Meadow Rochester, NY 14624	\$6,611.99
Non-Grouped Items – Metal Shelving	School Specialty, Inc.	18 Mae Meadow Rochester, NY 14624	\$72,221.69
Non-Grouped Items – Folding Table and Cart	No award recommended		
Non-Grouped Items – Podium	School Specialty, Inc.	18 Mae Meadow Rochester, NY 14624	\$403.90

SUMMARY of AWARDS

Firm	Total Award
School Specialty, Inc.	\$195,572.93
FM Resources	\$510,168.15
Hertz Furniture	\$294,466.29
Facilities Equipment & Services Inc.	\$219,482.00

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the recommendation of the Program Manager that the contract award shall be made to FM Resources in the amount specified to provide the necessary Furniture, Fixtures, and Equipment (delivered and installed at point of use) for the first three projects in Phase 1a of the RSMP (School 17, School 50, and Charlotte High School); and

2. The RJSCB Chair is hereby authorized, to execute and deliver a Purchase Order to FM Resources in substantially the form included in the Request for Bids for the Furniture, Fixtures, and Equipment with such changes as the Chair may approve (the Chair's signature thereon being conclusive evidence of such approval) on the advice of the Program Manager and the RJSCB's general counsel.

3. A future Resolution will be brought to the Board for the remainder of the awards, following the Independent Compliance Officer's approval.

Second by Member Brown

Approved 5-0 with Members Castro and Pifer away

Resolution 2012-13: 163

Authorizing the Phase 1 Program Review and Advisory Report

By Board Chair Giess

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

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

WHEREAS, in preparation for Legislative approval of Phase 2 of the RSMP, the RJSCB's Executive Director and its general counsel have recommended that the RJSCB prepare a report regarding the program management and project execution related to Phase 1 of the RSMP; and

WHEREAS, the RJSCB's Executive Director and its general counsel have identified a third-party consultant to act on behalf of the RJSCB to perform the Phase 1 study; and

WHEREAS, the RJSCB's Executive Director worked with the RJSCB's general counsel and the third-party consultant to define a scope of work document and matrix for evaluation for the study (the "Phase 1 Program Review and Advisory Report"); and

WHEREAS, the RJSCB's Executive Director requested and received a proposal from the third-party consultant for these services, has reviewed the proposal with the RJSCB's general counsel, and determined the cost to be fair and reasonable for the services being requested based on the hourly rates of the consultant when compared to the hourly rates of other design firms under contract with the RJSCB; and

WHEREAS, the RJSCB believes that an RFP process for this engagement would not be cost effective and that the rates obtained from the third-party consultant are competitive, and the third-party consultant is not already involved with the RSMP, is experienced with the RCSD and the City, and is a City-based design firm, which all supported selection of the third-party consultant; and

WHEREAS, at a special RJSCB meeting on April 15, 2013, the full Board considered and discussed the recommendation of the RJSCB's Executive Director to hire the firm Bergmann Associates P.C. of Rochester, New York, to prepare a Phase 1 Program Review and Advisory Report for an amount not to exceed \$25,000;

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby authorizes the preparation of a Phase 1 Program Review and Advisory Report by Bergmann Associates in the amount not to exceed \$25,000; and

2. The Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute and deliver an Agreement (the "Agreement") with the firm named above for the Phase 1 Program Review and Advisory Report on the advice of the RJSCB's general counsel.

Second by Member McCormick

Approved 5-0 with Members Castro and Pifer away

Resolution 2012-13: 164

RJSCB Participation in City of Rochester Award for Financial Auditing Services

By Board Chair Giess

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

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

WHEREAS, the RJSCB's Treasurer recommended that the RJSCB participate with the City and the District in a Request for Proposals ("RFP") by the City for financial auditing services, beginning 2012-2013; and

WHEREAS, the RJSCB is considered a blended component of the District's budget which is a part of the overall City's budget, and there are efficiencies in having the same firm perform the RJSCB's, the District's, and the City's annual financial audits; and

WHEREAS, the City's contract with the current financial audit firm comes to an end this year and the City has finalized the language for a new RFP to be issued for the financial auditing services; and

WHEREAS, the RJSCB's Executive Director worked with the RJSCB's general counsel, the City, and the District to coordinate appropriate language to be included in the City's RFP document; and

WHEREAS, the RJSCB's portion of the RFP was bid as a separate line item so that the RJSCB can review the cost and determine if its audit should be included in the final award of the financial auditing services; and

WHEREAS, the City received three proposal responses to the RFP on the date specified in the RFP, and promptly provided copies to the RJSCB's Executive Director for review; and

WHEREAS, the City, the District, and the RJSCB participated in a proposal review meeting on March 22, 2013, where details of each proposal were discussed along with the qualifications of each firm; and

WHEREAS, the RJSCB's Executive Director recommended to the RJSCB MWBE and Services Procurement Committee (the "Committee") on March 28, 2013, that the RJSCB support the City and District's decision to award based on the merits and qualifications of the best firm, although it may mean that the specific pricing included for the RJSCB's work may not be the lowest price; and

WHEREAS, the City and District have identified the firm Freed Maxick & Battaglia as the most qualified firm to provide the requested financial auditing services, and have further negotiated the final pricing with Freed Maxick & Battaglia with the intent to bring a recommendation to the City Council and the Board of Education in the month of April 2013; and

WHEREAS, the costs for the RJSCB's portion of work are as follows:

2013 = \$7,525

2014 = \$7,525

2015 = \$7,725

2016 (optional) = \$8,000

2017 (optional) = \$8,300;

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby agrees to participate in the City's award for financial auditing services as it relates to the RJSCB to the firm Freed Maxick & Battaglia for an initial three year term, with two optional one year extensions; and
2. The RJSCB agrees to either: 1 – reimburse the City as invoices are paid by the City for work associated with the RJSCB or 2 – pay the financial auditing firm directly for work associated with the RJSCB; and
3. The RJSCB reserves the right to withdraw from the City's award following the initial three year term for any reason as determined by the RJSCB.

Second by Member Brown

Approved 5-0 with Members Castro and Pifer away

Resolution 2012-2013: 165 Moving Company Awards was tabled at the meeting pending final approval and recommendation from the ICO.

Non-Action Items

Tom Renauto requested a Special Meeting of the RJSCB on 4/22/13. Chair Giess agreed to have a Special Meeting on 4/22/13 at 5:00pm.

Adjournment

Approved 5-0 at 5:43pm