

Rochester Joint Schools Construction Board
Special Meeting Minutes
August 21, 2017
7:30 AM

Present

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

Chairman Williams convened the meeting at 7:35 am.

Action Items

Resolution 2017-18: 27

Contract Awards – General Construction, Mechanical, Electrical and Plumbing – School 16 (Phase 2a)

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

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

WHEREAS, the John Walton Spencer School 16 (“School 16”) is one of the projects included in Phase 2a of the RSMP as provided in the Phase 2 Master Plan; and

WHEREAS, Phase 2a of the RSMP includes general construction, mechanical, plumbing and electrical work at School 16; and

WHEREAS, the Program Manager worked with the School 16 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: 174); and

WHEREAS, the Program Manager received bids on August 10, 2017 per the deadline stipulated in the Request for Bids for the School 16 project, and those bids were subsequently publicly opened and read aloud at the location stated in the Request for Bids; and

WHEREAS, the Program Manager, the Construction Manager and the Independent Compliance Officer (“ICO”) reviewed the bids submitted for the School 16 project, conducted de-scoping meetings, and concluded that the apparent low bidders are also qualified and responsible bidders; and

WHEREAS, on August 21, 2017, the Program Manager, ICO and Construction Manager provided their award recommendations regarding the general construction, mechanical, electrical and plumbing work contracts for School 16 project to the RJSCB; and

WHEREAS, at its August 21, 2017 special meeting, the Board considered and discussed the recommended awards and, after due deliberation, contingent on approval of the School 16 project from the New York State Education Department, approved contract awards as follows:

| <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 | \$16,058,000.00 |
| Mechanical | Michael A. Ferraulo Plumbing & Heating | 1600 Jay Street Rochester, NY 14611 | \$4,016,600.00 |
| Electrical | Eastcoast Electric LLC | 546 Lyell Avenue Rochester, NY 14606 | \$3,492,000.00 |
| Plumbing | D.V. Brown & Associates, Inc. | 567 Vickers Street Tonawanda, NY 14150 | \$1,994,000.00 |

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, electrical and plumbing scopes of work associated with the School 16 project contingent upon approval by the New York State Education Department; 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 16 project, with such changes as the Chair may approve (his/her signature thereon being conclusive evidence of such approval) on the advice of the Program Manager and the RJSCB’s general counsel.

Second by Board Member Schmidt
Approved 6-0 with Member Jones away

Resolution 2017-18: 28
Consent to Assignment of LPCiminelli, Inc. Construction Management Agreements (School 16, Edison and School 6) to Buffalo Construction Consultants, Inc.

By Board Member Richards

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” or the “Program”) 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, John Walton Spencer School 16 (“School 16”) is one of the projects included in Phase 2a of the RSMP as provided in the Phase 2 Master Plan; and

WHEREAS, Edison Technology Campus (“Edison”) is one of the projects included in Phase 2b of the RSMP as provided in the Phase 2 Master Plan; and

WHEREAS, Dag Hammarskjold School 6 (“School 6”) is one of the projects included in Phase 2c of the RSMP as provided in the Phase 2 Master Plan; and

WHEREAS, the RJSCB selected LPCiminelli, Inc. (“LPCiminelli”) to provide construction management services for the School 16 project in August 2016 as part of Phase 2a of the of the RSMP (Resolution 2016-17: 29), and the parties thereafter entered into the Agreement between the RJSCB and the Construction Manager dated August 9, 2016 (the “School 16 CM Agreement”); and

WHEREAS, the RJSCB selected LPCiminelli to provide construction management services for the Edison project in January 2017 as part of Phase 2b of the of the RSMP (Resolution 2016-17: 111), and the parties thereafter entered into the Agreement between the RJSCB and the Construction Manager dated January 17, 2017 (the “Edison CM Agreement”); and

WHEREAS, the RJSCB selected LPCiminelli to provide construction management services for the School 6 project in May 2017 as part of Phase 2c of the of the RSMP (Resolution 2016-17: 202), and the parties thereafter entered into the Agreement between the RJSCB and the Construction Manager dated May 8, 2017 (the “School 6 CM Agreement”); and

WHEREAS, LPCiminelli has requested that the RJSCB consent to the assignment of the School 16, Edison and School 6 CM Agreements to Buffalo Construction Consultants, Inc. (“BCC”), a new entity owned and operated by the LPCiminelli project executives that work on the School 16, Edison and School 6 projects; and

WHEREAS, BCC desires to accept the assignment of the School 16, Edison and School 6 CM Agreements from LPCiminelli, upon the consent of the RJSCB; and

WHEREAS, pursuant to the School 16, Edison and School 6 CM Agreements and State Finance Law §138, the consent of the Board is required to effectuate an assignment of said CM Agreements from LPCiminelli to BCC; and

WHEREAS, the RJSCB Chair, the Program Manager, the Independent Compliance Officer, and RJSCB general counsel met with representatives of BCC on August 10, 2017 to review the proposed assignment and BCC’s plan to provide all contract deliverables and comply with all the duties, obligations and requirements set forth in the School 16, Edison and School 6 CM Agreements; and

WHEREAS, representatives of BCC met with the RJSCB at a special meeting on August 21, 2017 concerning the request for the Board’s consent and BCC’s plan to provide all contract deliverables and comply with all the duties, obligations and requirements set forth in the School 16, Edison and School 6 CM Agreements; and

WHEREAS, the RJSCB has determined that BCC is a responsible vendor that has the capacity and capability to perform the School 16, Edison and School 6 CM Agreements; and

WHEREAS, the RJSCB considered and discussed LPCiminelli’s request to assign the School 16, Edison and School 6 CM Agreements to BCC at its August 21, 2017 meeting, and after due deliberation, it approved the request to consent to the assignment.

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby consents to the assignment of the School 16, Edison and School 6 CM Agreements from LP, Ciminelli, Inc. to Buffalo Construction Consultants, Inc.; and
2. The RJSCB’s Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute an assignment of the School 16, Edison and School 6 CM Agreements 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 Schmidt
Approved 6-0 with Member Jones away**

Communication

Phase 2 Updates: School 16 & Monroe 2ab

Progress reports were sent to Board Members August 16, 2017.

Member Richards highlighted the critical item referenced in the report w/r/t water damage.

A significant water damage event happened over the weekend, starting sometime after COB on Friday August 11, 2017 and discovered at the beginning of first shift on Monday August 14, 2017 at about 6:30 am. Restoration work ongoing by Travelers Insurance and the Contractors Insurance carrier.

Executive Session

Approved at 8:04 am

Chairman Williams called for an Executive Session pursuant to New York Public Officer's Law Section 108 (3), to consult with the Board's general counsel on matters subject to attorney client privilege.

Motion by Vice Chair Schmidt

Second by Member Cruz

Approved 6-0 with Member Jones away

The Board came out of Executive Session at 9:03 am

Motion by Member Benincasa

Second by Vice Chair Schmidt

Approved 6-0 with Member Jones away

Adjournment

Approved at 9:04 am

Motion by Vice Chair Schmidt

Second by Member Cruz

Approved 6-0 with Member Jones away