

**Rochester Joint Schools Construction Board  
Minutes  
January 17, 2017  
4:30 PM**

**Present**

Chairman Allen Williams, Vice Chair Mike Schmidt (left at 5:16 pm), Charles Benincasa, Bob Brown, I. Geena Cruz (left at 5:15 pm), Norman Jones, Tom Richards, and ICO Brian Sanvidge. Also present were: General Counsel Ed Hourihan; Program Managers Pépin Accilien and Roland Coleman from Savin and Tom Rogér from Gilbane.

**Chairman Williams convened the meeting at 4:37 pm.**

**Approval of Minutes**

Monthly Meeting held on December 13, 2016

Motion by Member Brown

Second by Member Cruz

Approved 7-0

Special Meeting held on December 19, 2016

Motion by Member Brown

Second by Member Cruz

Approved 7-0

**Consent Agenda Items**

**Resolution 2016-17: 104**

**Amendment #7 to The Pike Company Contract (CM – Schools 5 and 12)**

**By Board Member Cruz**

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

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

WHEREAS, the RJSCB selected The Pike Company (“Construction Manager”) to provide construction management services for the School 5 and School 12 projects in September 2012 as part of Phase 1b of the of the Rochester Schools Modernization Program (“RSMP” or “Program”) (Resolution 2012-13: 16), and the parties thereafter entered into the Agreement between the RJSCB and the Construction Manager dated September 10, 2012 (the “Agreement”); and

WHEREAS, subsequent to the execution of the Agreement, the Program Manager directed the Construction Manager to provide additional services to complete and closeout the School 12 project, and the Program Manager has received and reviewed the proposal for this additional work provided by the Construction Manager;

WHEREAS, the Program Manager recommended to the M/WBE and Services Procurement Committee (the "Committee") that the Construction Manager's Agreement should be amended to add the not-to-exceed amount of \$20,000.00 for additional staff to complete and closeout the School 12 project; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its January 12, 2017 meeting to increase the Construction Manager's Agreement amount by \$20,000.00, and after due deliberation, the Committee approved the request to amend the Agreement.

THEREFORE, BE IT RESOLVED:

1. The proposed amendment to the Agreement between the RJSCB and the Construction Manager dated September 10, 2012, as set forth above is hereby approved, increasing the total amount of the Agreement by the sum of \$20,000.00; 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 7-0**

**Resolution 2016-17: 105**  
**Amendment #7 to OSO, Inc. Contract (Phase 1b and 1c Projects)**

**By Board Member Cruz**

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 issued an RFP for environmental monitoring and indoor air monitoring services on May 6, 2013 (Resolution 2012-13: 175), which included work at four projects in Phase 1b (School 5, School 28, East High School, and Edison Educational Campus); and

WHEREAS, the RJSCB, at its monthly meeting on June 10, 2013 (Resolution 2012-13: 196), approved the selection of OSO, Inc. ("OSO") for environmental monitoring and indoor air monitoring services for School 5, School 28, East High School, and Edison Educational Campus, and the parties thereafter entered into an Agreement between the RJSCB and OSO dated June 28, 2013 (the "Agreement"); and

WHEREAS, the Agreement between the RJSCB and OSO specifically allows for an extension of services if the Board elects to do so; and

WHEREAS, the RJSCB has previously extended the services of OSO to include work at the School 12 project in Phase 1c (Resolution 2014-15: 63) and Monroe High School in Phase 1c (Resolution 2014-15: 208); and

WHEREAS, OSO has completed its services for the Phase 1b and 1c projects, 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 \$5,608.05; and

WHEREAS, the Program Manager recommended to the M/WBE and Services Procurement Committee (the "Committee") that OSO's Agreement should be amended to credit the amount of \$5,608.05 back to the RSMP; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its January 12, 2017 meeting to reduce OSO's Agreement amount by \$5,608.05, and after due deliberation, it approved the request to amend the Agreement.

THEREFORE, BE IT RESOLVED:

1. The proposed amendment to the Agreement between the RJSCB and OSO dated June 28, 2013, as set forth above is hereby approved, decreasing the total amount of the Agreement by the sum of \$5,608.05; 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 7-0**

**Resolution 2016-17: 106**  
**Amendment #4 to Chaintreuil Jensen Stark Architects, LLP Agreement – Monroe High School (Phase 2)**

**By Board Member Cruz**

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

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

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

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

WHEREAS, the RJSCB approved the selection of Chaintreuil Jensen Stark Architects, LLP ("CJS") as the Architect for the Monroe High School project in Phase 2 (Resolution 2014-15: 216); and

WHEREAS, the RJSCB entered into an agreement with CJS (Resolution 2014-15: 216) dated June 2, 2015, entitled Agreement Between Board and Architect (the "Agreement"); and

WHEREAS, following the execution of the Agreement, the Program Manager requested, and cost proposals were then obtained and reviewed, for the scope of services for preparing re-bid documents (including design and documentation changes to the architectural, mechanical and electrical drawings and specifications) and providing Bidding Phase services for the General Trades contract for the Phase 2a project at Monroe High School; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that CJS's Agreement should be amended to add these additional scope items in

the total amount of \$51,777.00 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 January 12, 2017 meeting, and after due deliberation, it approved the request to amend the CJS Agreement.

THEREFORE, BE IT RESOLVED:

1. The proposed amendment to the CJS Agreement between Board and Architect dated June 2, 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 CJS Agreement that is consistent with this approval and in an acceptable form to the Chair upon the advice of the Program Manager and the RJSCB's general counsel.

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

**Resolution 2016-17: 107**  
**Amendment #1 to SWBR Architects Agreement – John Walton Spencer School No. 16 (Phase 2a)**

**By Board Member Cruz**

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

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

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

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

WHEREAS, the RJSCB issued a request for proposals (the "RFP") for architectural services, renovation and addition projects for Phase 2a Schools (Resolution 2015-16: 82); and

WHEREAS, the RJSCB approved the selection of SWBR Architects ("SWBR") as the Architect for the John Walton Spencer School No. 16 ("School 16") project in Phase 2a (Resolution 2015-16: 102); and

WHEREAS, the RJSCB entered into an agreement with SWBR (Resolution 2015-16: 102) dated February 9, 2016, entitled Agreement Between Board and Architect (the "Agreement"); and

WHEREAS, following the execution of the Agreement, the Program Manager requested, and cost proposals were then obtained and reviewed, for the scope of design services to develop an expedited early demolition package for options I.2 and H.3 for SED submission in January 2017 for the Phase 2a project at School No. 16; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that SWBR's Agreement should be amended to add these additional scope items in the total amount of \$140,144.00 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 January 12, 2017 meeting, and after due deliberation, it approved the request to amend the SWBR Agreement.

THEREFORE, BE IT RESOLVED:

1. The proposed amendment to the SWBR Agreement between Board and Architect dated February 9, 2016 as set forth above is hereby approved; and
2. The RJSCB's Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute an amendment to the SWBR Agreement that is consistent with this approval and in an acceptable form to the Chair upon the advice of the Program Manager and the RJSCB's general counsel.

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

**Resolution 2016-17: 108  
Reconciliation of Moving Services Purchase Order – School 12 (Clark Moving & Storage)**

**By Board Member Cruz**

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 Express ("FM"), Corrigan Moving Systems ("Corrigan"), and Clark Moving and Storage ("Clark") as the moving companies associated with the Phase 1 - Summer 2014 moves (Resolution 2013-14: 234); and

WHEREAS, Clark was specifically awarded the portion of work associated with the School 12 project; and

WHEREAS, the RJSCB issued a purchase order for the School 12 project to Clark dated April 11, 2014; and

WHEREAS, Clark has completed its services for the School 12 project, 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 \$402.42 (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 \$402.42 back to the RSMP; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its January 12, 2017 meeting to reduce Clark's purchase order amount by \$402.42, 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 \$402.42 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 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 7-0**

**Resolution 2016-17: 109**  
**Contract Award – Asbestos Abatement and Demolition Rebid – School 7 (Phase 2a Project)**

**By Board Member Cruz**

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

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

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

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

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

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

WHEREAS, Phase 2a of the RSMP includes demolition, abatement, HVAC, plumbing and electrical work at School 7;

WHEREAS, the Program Manager determined that the success of the School 7 project would be greatly improved by beginning the construction as soon as possible; and

WHEREAS, the Program Manager worked with the Architect of Record and Construction Manager for the School 7 project to prepare a Request for Bids for an asbestos abatement and demolition package for the School 7 project; and

WHEREAS, the RJSCB authorized the release of the asbestos abatement and demolition package at its regular meeting on October 17, 2016 (Resolution 2016-17: 72); and

WHEREAS, the Program Manager received New York State Education Department approval of the asbestos abatement and demolition package for School 7 on November 14, 2016; and

WHEREAS, the Program Manager received bids on November 28, 2016 per the deadline stipulated in the Request for Bids for the asbestos abatement and demolition package for School 7, 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 Independent Compliance Officer reviewed the bids submitted by the presumptive low and second low bidders and determined that neither bid was responsive to the Request for Bids; and

WHEREAS, at the RJSCB monthly meeting on December 13, 2016, upon the recommendation of the Program Manager, the RJSCB rejected the bids received in connection with the asbestos abatement and demolition package and authorized the re-bid of the project; and

WHEREAS, the Program Manager, with the advice of SEI Design Group (the "Architect"), LeChase Construction (the "Construction Manager"), the RJSCB's general counsel, and the Independent Compliance Officer ("ICO"), prepared a revised request for bids ("Request for Bids") package for the asbestos abatement and demolition scope for the Phase 2a School 7 project; and

WHEREAS, the Program Manager received bids on January 5, 2017 per the deadline stipulated in the Request for Bids for the asbestos abatement and demolition package for School 7, and those bids were subsequently publicly opened and read aloud at the location stated in the Request for Bids; and

WHEREAS, the Program Manager, the Architect, Construction Manager and ICO have reviewed the bids, conducted de-scoping meetings of the two lowest bidders and determined that Fibertech Environmental Services is the lowest responsive and responsible bidder that is qualified and capable to perform the scope of work package for the Phase 2a School 7 asbestos abatement and demolition project; and

WHEREAS, at the M/WBE and Services Procurement Committee ("Committee") meeting held on January 12, 2017, following the review and consideration of the recommendations from the Program Manager, Construction Manager and ICO, and after due deliberation by the Committee, the Committee approved the contract award to:

<b>Scope of Work</b>	<b>Name of Contractor</b>	<b>Address</b>	<b>Bid Amount</b>
Abatement and Demolition	Fibertech Environmental Services	2035 Clinton Street Buffalo, NY 14206	\$1,974,200.00

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the above-stated recommendations and awards the contract to Fibertech Environmental Services in the amount of \$1,974,200.00 to provide all equipment, labor, materials, and plant necessary to execute the Asbestos Abatement and Demolition scope of work associated with the Phase 2a School 7 project.
2. The RJSCB Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute and deliver an Agreement to Fibertech Environmental Services in substantially the form included in the Request for Bids for the Phase 2a School 7 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 Brown**  
**Approved 7-0**

**Resolution 2016-17: 113**  
**Change Orders #58 and #59 to LeChase Construction Contract (School 12)**

**By Board Member Cruz**

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

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

WHEREAS, the RJSCB approved the award of the general contractor contract to LeChase Construction Services LLC (“LeChase”) for the School 12 project in Phase I (Resolution 2014-15: 200); and

WHEREAS, the RJSCB entered into a contract with LeChase (Resolution 2014-15: 200) dated March 9, 2015 (the “Contract”), to perform the scope of services defined in the contract documents as the general contractor’s scope of work; and

WHEREAS, following the execution of the Contract, LeChase, 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 #58 includes the following items:

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| 1. Add 16 White Boards and 14 Tack Boards –              | \$15,564.69 |
| The Total amount of Change Order #58 is \$15,564.69; and |             |

WHEREAS, Change Order #59 includes the following items:

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|---|-------------|
| 1. Storefront at 3 <sup>rd</sup> Floor Landing at Stair 01 and Stair 04 – | \$35,249.01 |
| The Total amount of Change Order #59 is \$35,249.01; 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 LeChase’s Contract should be amended to add these scope items for a total increase in the Contract Sum of \$50,813.70; and

WHEREAS, the Committee considered and discussed the Program Manager’s recommendation at its January 12, 2017 meeting and, after due deliberation, it approved the request to amend the Contract.

THEREFORE, BE IT RESOLVED:

1. The proposed Change Orders to LeChase’s Contract between the Board and Contractor dated March 9, 2015 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 7-0**

**Resolution 2016-17: 114**  
**Change Order #1 to Louis Del Prince & Sons Contract – School 12 Parking Lot Project**

**By Board Member Cruz**



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 award of the School 12 Parking Lot Project to Louis Del Prince and Sons, Inc. ("Del Prince") for School 12 in Phase I (Resolution 2016-17: 12); and

WHEREAS, the RJSCB entered into a contract with Del Prince (Resolution 2013-14: 128) dated July 18, 2016 (the "Contract"), to perform the scope of services defined in the contract documents as the paving contractor's scope of work; and

WHEREAS, the Contract provided for certain Parking Lot Allowances, including the Parking Lot Allowance, the Play Ground Surface Allowance, and the Parking Lot Space Numbering Allowance; and

WHEREAS, following the completion of the Contract, The Pike Company (the Construction Manager), along with the Program Manager, identified unused Parking Lot Allowances and prepared a deduct Change Order to the Contract in order to credit those funds back to the RSMP; and

WHEREAS, Change Order #1 includes the following items:

1. Credit of Parking Lot Allowances – (\$5,709.50)  
The Total amount of Change Order #1 is (\$5,709.50); and

WHEREAS, the Program Manager thereafter recommended to the RJSCB's M/WBE and Services Procurement Committee (the "Committee") that Del Prince's Contract should be amended to deduct the unused Parking Lot Allowance balances for a total decrease in the Contract Sum of \$5,709.50; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its January 12, 2017 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

1. The proposed Change Order to Del Prince's Contract between the Board and Contractor dated July 18, 2016 as set forth above is hereby approved; and
2. The RJSCB's Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute 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 7-0**

**Resolution 2016-17: 115  
Change Order #14 to Manning Squires Hennig Contract (Monroe)**

**By Board Member Cruz**

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

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

WHEREAS, the RJSCB approved the award of the general contractor contract to Manning Squires Hennig, Inc. ("Manning Squires") for the Monroe High School project in Phase I (Resolution 2014-15: 242); and

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

WHEREAS, following the execution of the Contract, Manning Squires, along with Campus Construction (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 #14 includes the following items:

1. Credit for Deleted Work – 5 Steel Grates at Radiator Wall  
Openings in Stair Shafts – (\$2,300.00)

The Total amount of Change Order #14 is (\$2,300.00); 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 Hennig's Contract should be amended to deduct this scope item for a total decrease in the Contract Sum of \$2,300.00; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its January 12, 2017 meeting and after due deliberation, it approved the request to amend the Contract.

THEREFORE, BE IT RESOLVED:

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

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

**Resolution 2016-17: 116**  
**Change Order #13 to MA Ferrauilo Contract (Monroe)**

**By Board Member Cruz**

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

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

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

WHEREAS, the RJSCB approved the award of the mechanical contractor contract to Michael A. Ferrauilo Plumbing and Heating Inc. ("MA Ferrauilo") for the Monroe project in Phase I (Resolution 2014-15: 242); and

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

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

WHEREAS, Change Order #13 includes the following item:

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|----|--|-------------|
| 1. | Selective Third Floor Demo in the "Blue Rooms" – | \$15,137.00 |
| 2. | Selective Third Floor Demo in the "Blue Rooms" – | \$22,205.00 |

The Total amount of Change Order #13 is \$37,342.00; and

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

WHEREAS, the Program Manager thereafter recommended to the RJSCB's M/WBE and Services Procurement Committee (the "Committee") that MA Ferrauilo's Contract should be amended to add these scope items for a total increase in the Contract Sum of \$37,342.00; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its January 12, 2017 meeting and after due deliberation, it approved the request to amend the Contract.

THEREFORE, BE IT RESOLVED:

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

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

**Resolution 2016-17: 117**  
**Change Order #6 to Steve General Contractor – General Contractor (Franklin H.S. Auditorium)**

**By Board Member Cruz**

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

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

WHEREAS, the RJSCB approved the award of the general contractor contract to Steve General Contractor, Inc. ("Steve General") for the Franklin High School Auditorium Project in Phase I (Resolution 2013-14: 128); and

WHEREAS, the RJSCB entered into a contract with Steve General (Resolution 2013-14: 128) dated November 4, 2013 (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, Steve General, along with Campus Construction Group (the Construction Manager), and the Program Manager, identified the need for additional scopes of work, and cost proposals were then obtained for these additional scope items and provided to the Construction Manager and the Program Manager for review; and

WHEREAS, Change Order #6 includes the following items:

1.	Seal the Radiator Cavities with Concrete Floor Infill –	\$1,070.00
2.	Investigate and Clean Up Roof Leak –	\$348.00
3.	Repaint Wood Trim at Handicap Seating Platforms –	\$1,184.00
4.	Paint Concrete at Handicap Seating Platforms –	\$788.00
5.	Coordinate and Revised Layout & Configuration at Wheelchair Lift –	\$5,536.00
6.	Abatement of Add'l Asbestos Pipe Insulation –	\$9,745.00
7.	Install Inverted Soffit –	\$2,089.00
8.	Credit for Balance of Field Office Allotment –	(\$13,413.48)

The Total amount of Change Order #6 is \$7,346.52; 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 Steve General's Contract should be amended to add and deduct these scope items for a total increase in the Contract Sum of \$7,346.52; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its January 12, 2017 meeting and after due deliberation, it approved the request to amend the Contract.

THEREFORE, BE IT RESOLVED:

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

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

**Resolution 2016-17: 118**  
**Pay Requisition Approval Procedure – Revision**

**By Board Member Cruz**

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, in September of 2011, the RJSCB established a Pay Requisition Approval Procedure (“Payment Procedure”) (Resolution 2011-12: 23) in order to detail the operative policy and instructions regarding the process by which invoices, pay applications and other pay requisitions (each, a “Pay Requisition”) submitted by all of the Board’s contractors, vendors, suppliers, and consultants (each, a “Vendor”) will be paid; 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 regularly monthly meeting on April 7, 2014, revised the Pay Requisition Approval Procedure (Resolution 2014-14: 257) to add certain additional internal processes to assist the Board by clarifying duties and providing additional internal controls; and

WHEREAS, the RJSCB now desires to revise the Payment Procedure to add certain additional internal processes which shall assist the RJSCB by clarifying duties in the absence of an Executive Director and providing additional internal controls; and

WHEREAS, the RJSCB Chair and the RJSCB General Counsel have drafted a revised Pay Requisition Approval Procedure, a copy of which is attached to this resolution; and

WHEREAS, the RJSCB Chair reviewed the revisions to the Pay Requisition Approval Procedure with the RJSCB’s Finance Committee at its meeting on January 12, 2017 and after due deliberation, the Finance Committee approved the revisions.

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves and adopts the revised Pay Requisition Approval Procedure in the form presented at this meeting and attached hereto; and
2. All actions taken by the RJSCB, the Chair, and the Treasurer pursuant to, in accordance with and to implement the Pay Requisition Approval Procedure are hereby authorized and approved in all respects.

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

**Resolution 2016-17: 119  
Pay Requisition Summary Acceptance (December 2016)**

**By Board Member Cruz**

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

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

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

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

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

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

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

WHEREAS, in order to avoid a year delay in the start of Phase 2 construction at East High School, Monroe High School, and School 15 (the "Early Start Projects"), the District has advanced funds to the RSMP for Phase 2; and WHEREAS, it is understood by the District, the City, and the RJSCB that the funds advanced by the District would be reimbursed by the City as soon as possible through a Bond Anticipation Note ("BAN") against the City's debt limit; and

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

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

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

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

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

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

WHEREAS, the Program Manager forwarded the regular monthly Pay Requisition Summary (attached to this Resolution) totaling \$1,373,139.15, 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 December 10, 2016; and

WHEREAS, the Program Manager forwarded the Phase 2 monthly Pay Requisition Summary (attached to this Resolution) totaling \$539,299.85, 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 December 10, 2016; and

WHEREAS, the RJSCB Chair approved the regular monthly Pay Requisition Summary and the Phase 2 monthly Pay Requisition Summary on December 10, 2016; 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 January 12, 2017.

THEREFORE, BE IT RESOLVED:

1. The Rochester Joint Schools Construction Board hereby accepts the regular monthly Pay Requisition Summary for the month of December 2016 in the amount stated above and the Phase 2 monthly Pay Requisition Summary for the month of December 2016 in the amount stated above and as shown in the Summary sheets attached to this Resolution.

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

**Presentation: Phase 2a (School 16, East) Program Verification**  
**Phase 2b (Monroe, School 1/15, School Without Walls, Freddie Thomas) Program Verification**

Deputy Director Rolie Coleman, Savin, provided an overview of the PowerPoint presentation distributed to RJSCB members as hard copies.

Highlights:

- **School 16:** 107 years old, project includes replacement gymnasium (current gymnasium) and additions. Currently on budget.
- **East:** 60 years old, proposed grade 6/12 from 7/12, new classroom addition for 6<sup>th</sup> graders and STEM (double height space) addition. Currently over budget.
- **Monroe:** 96 years old, 2a focused on renovations to existing building, 2b includes demolition of existing Cafeteria and School 15 to create new physical education wing and outdoor athletic field. Currently over budget.
- **School 7:** 51 years old, project includes new classroom wing, roof work, interior demolition/abatement, and windows into cafeteria. Currently under budget.
- **School 1/15:** 96 years old, project includes a new classroom wing, a new classroom addition with courtyard, new building traffic patterns reorienting student pick-up and drop-off, enlarged cafeteria with windows. Currently under budget.
- **Dr. Freddie Thomas:** 22 years old, project is a 'make ready' to house School 25 with current School 53 Montessori, both schools will increase enrollment and go from PK/8 to PK/6 with a total building enrollment of 1,346 up from 929, schools will be horizontally organized vs. vertically stacked at the RCSD's request and will share cafeteria, gym and pool. Currently on budget.
- **School Without Walls:** 52 years old, former Sears automotive store, project includes new gym & arts wing, new main office and entrance designed to be more aesthetically appealing. Currently over budget.

RCSD Vice President Cynthia Elliott asked whether historic building materials, such as fireplaces in libraries, would be preserved in the projects. The answer is yes.

**Presentation: Builders Risk Insurance**

Christine Donohue with Lawley Insurance said in Phase 1 Builders Risk Coverage was provided by the General Contractor for each project. In Phase 2, if the Owner (RJSCB) carries the Builders Risk insurance, there will be continuity of coverage, more control in the event of a claim, and consistent coverage. Builders Risk covers materials, fixtures and/or equipment being used in the construction or renovation of a structure should those items sustain physical loss or damage from a covered cause. Total cost of the policy will be \$511 million over five years. Lawley polled the entire marketplace. Travelers and Hanover were the most competitive and provided the best forms and flexibility. Hanover was higher (\$527M). Program Director P  pin Accilien said that for projects underway, the program will credit the General Contractor for the Builders Risk and have a deduct change order.

**Motion to approve** the Board providing Builders Risk coverage by member Brown.

**Second by Member Benincasa.**

Approved 5-0 with members Schmidt and Cruz away.



## **Presentation: Phase 1 Closeout Status and Plan**

Tom Rogér with Gilbane distributed a spreadsheet to RJSCB members as hard copies.

Phase 1 will be closed out when:

- Harter-Secret sends J&T Security a letter containing a drop-dead date for response. If J&T continues to be non-responsive, RJSCB will consider severance resolution so that J&T is tied to the Department of Labor rather than the RJSCB. Possible Board action in March/April 2017.
- A last change order for School 5 is approved (at RJSCB February 2017 meeting).
- COMIDA provides the capitalized interest information that has been requested.

## **Executive Session** **Approved at 5:45 pm**

Chairman Williams called for an Executive Session pursuant to News 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 Member Benincasa  
Second by Member Brown  
Approved 5-0 with Members Cruz and Schmidt away

The Board came out of Executive Session at 6:02 pm  
Motion by Member Benincasa  
Second by Member Jones  
Approved 5-0 with Members Cruz and Schmidt away

## **Action Items**

### **Resolution 2016-17: 110** **Construction Manager Selection – Martin B. Anderson School 1/15 (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, the District's Board of Education ("BOE") has approved the comprehensive Master Plan for Phase 2

(BOE Resolution 2015-16: 630); and

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

WHEREAS, these projects (the "Phase 2b Projects") include: Martin B. Anderson School 1/15, Edison Technology Campus, School Without Walls, Monroe 2b, and Dr. Freddie Thomas Learning Center; and

WHEREAS, the RJSCB, upon the recommendation of its Program Manager, has determined a need for a construction management firm to provide a single point of contact for all construction management tasks on each of the Phase 2b projects of the RSMP; and

WHEREAS, on November 8, 2016, the RJSCB issued a request for proposals (the "RFP") for construction management services for the Martin B. Anderson School 1/15 ("School 1/15") project (Resolution 2016-17: 77); and

WHEREAS, the Program Manager received two proposals as of the date and time specified in the RFP, and promptly distributed those proposals to the RJSCB members; and

WHEREAS, the Board Chair, the Program Manager and the Independent Compliance Officer interviewed the two firms that submitted proposals in response to the RFP; and

WHEREAS, at the M/WBE and Services Procurement Committee ("Committee") meeting held on January 12, 2017, after due deliberation by the Committee, The Pike Company was identified as being highly qualified and fiscally responsive to the RJSCB's RFP for Construction Management services for the School 1/15 project.

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves The Pike Company to provide Construction Manager services for the Phase 2b School 1/15 project; and
2. The RJSCB Program Manager is hereby authorized, in the name and on behalf of the RJSCB, to negotiate an Agreement with the firm named above, in consultation with the RJSCB Chair and its general counsel, for approval and execution by the Chair on behalf of the RJSCB.

**Second by Board Member Jones**

**Approved 5-0 with Members Cruz and Schmidt away**

**Resolution 2016-17: 111**

**Construction Manager Selection – Edison Technology Campus (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, the District's Board of Education ("BOE") has approved the comprehensive Master Plan for Phase 2 (BOE Resolution 2015-16: 630); and

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

WHEREAS, these projects (the "Phase 2b Projects") include: Martin B. Anderson School 1/15, Edison Technology Campus, School Without Walls, Monroe 2b, and Dr. Freddie Thomas Learning Center; and

WHEREAS, the RJSCB, upon the recommendation of its Program Manager, has determined a need for a construction management firm to provide a single point of contact for all construction management tasks on each of the Phase 2b projects of the RSMP; and

WHEREAS, on November 8, 2016, the RJSCB issued a request for proposals (the "RFP") for construction management services for the Phase 2b Edison Technology Campus project (Resolution 2016-17: 77); and

WHEREAS, the Program Manager received two proposals as of the date and time specified in the RFP, and promptly distributed those proposals to the RJSCB members; and

WHEREAS, the Board Chair, the Program Manager and the Independent Compliance Officer interviewed the two firms that submitted proposals in response to the RFP; and

WHEREAS, at the M/WBE and Services Procurement Committee ("Committee") meeting held on January 12, 2017, after due deliberation by the Committee, LPCiminelli was identified as being highly qualified and fiscally responsive to the RJSCB's RFP for Construction Management services for the Phase 2b Edison Technology Campus project.

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves LPCiminelli to provide Construction Manager services for the Phase 2b Edison Technology Campus project; and
2. The RJSCB Program Manager is hereby authorized, in the name and on behalf of the RJSCB, to negotiate an Agreement with the firm named above, in consultation with the RJSCB Chair and its general counsel, for approval and execution by the Chair on behalf of the RJSCB.

**Second by Member Jones**

**Approved 5-0 with Members Cruz and Schmidt away**

**Resolution 2016-17: 112**

**Construction Manager Selection – Monroe High School (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, the District’s Board of Education (“BOE”) has approved the comprehensive Master Plan for Phase 2 (BOE Resolution 2015-16: 630); and

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

WHEREAS, these projects (the “Phase 2b Projects”) include: Martin B. Anderson School 1/15, Edison Technology Campus, School Without Walls, Monroe 2b, and Dr. Freddie Thomas Learning Center; and

WHEREAS, the RJSCB, upon the recommendation of its Program Manager, has determined a need for a construction management firm to provide a single point of contact for all construction management tasks on each of the Phase 2b projects of the RSMP; and

WHEREAS, on November 8, 2016, the RJSCB issued a request for proposals (the “RFP”) for construction management services for the Monroe High School Phase 2b project (Resolution 2016-17: 77); and

WHEREAS, the Program Manager received three proposals as of the date and time specified in the RFP, and promptly distributed those proposals to the RJSCB members; and

WHEREAS, the Board Chair, the Program Manager and the Independent Compliance Officer interviewed the two firms that submitted proposals in response to the RFP; and

WHEREAS, at the M/WBE and Services Procurement Committee (“Committee”) meeting held on January 12, 2017, after due deliberation by the Committee, The Pike Company was identified as being highly qualified and fiscally responsive to the RJSCB’s RFP for Construction Management services for the Phase 2b Monroe High School project.

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves The Pike Company to provide Construction Manager services for the Phase 2b Monroe High School project; and
2. The RJSCB Program Manager is hereby authorized, in the name and on behalf of the RJSCB, to negotiate an Agreement with the firm named above, in consultation with the RJSCB Chair and its general counsel, for approval and execution by the Chair on behalf of the RJSCB.

**Second by Board Member Jones  
Approved 5-0 with Members Cruz and Schmidt away**

**Resolution 2016-17: 120  
Approval of Revolving Loan Program and Revolving Loan Fund Procedure**

**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, in furtherance of the Act, the RJSCB continues to work arduously with the City and the District to elevate the quality of life for Rochester residents, students, businesses and Eligible Business Enterprise ("EBE") participants in the RSMP; and

WHEREAS, the RJSCB wishes to establish a Revolving Loan Program to provide financial assistance to eligible contractors/subcontractors who perform work, or provide materials in connection with Phase 2 of the RSMP; and

WHEREAS, the Revolving Loan Program is structured to provide assistance to RSMP subcontractors with working capital for job related payroll, supplies, and job related machinery and equipment costs; and

WHEREAS, the Revolving Loan Program is consistent with the goals of the RJSCB; and

WHEREAS, the Phase 2 Program Manager has drafted the Revolving Loan Fund Procedure for the implementation and operation of the Revolving Loan Program, a copy of which is attached to this resolution; and

WHEREAS, at the Finance Committee meeting held on January 12, 2017, following review and consideration of the Revolving Loan Program and the Revolving Loan Fund Procedure, and after due deliberation by the Finance Committee, the Finance Committee approved the Revolving Loan Fund Procedure.

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves and adopts in all respects the Revolving Loan Program and the Revolving Loan Fund Procedure.

**Second by Board Member Jones  
Approved 5-0 with Members Cruz and Schmidt away**

**Resolution 2016-17: 121  
Program Verification Approval – East High School (Phase 2a)**

**By Board Member Brown**

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

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

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

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

WHEREAS, the legislation for Phase 2 of the RSMP states that "the RJSCB may extend the contracts of the providers of professional services for Phase One upon the adoption of findings that doing so would be in the

public interest; the contracts of the Program Manager and the independent Compliance Officer for Phase Two will be rebid, and provided further that the Program Manager and the Independent Compliance Officer and any new or different providers of professional services shall be engaged in compliance with the provisions of Section Eight of this Act”; and

WHEREAS, the Superintendent identified and confirmed several projects for Phase 2 of the RSMP for which the District would like the RSJCB to begin design work immediately, in parallel to the work being done on the Master Plan for Phase 2, and in advance of formal Board of Education and New York State Comptroller approval; 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 to begin the design process for these projects; and

WHEREAS, the RJSCB recognized that in order to maintain the proposed Phase 2 activity schedule it was necessary to engage the design services for these Early Start Projects immediately; and

WHEREAS, as permitted by the Phase 2 legislation, the RJSCB extended the services of those professional service firms which are most familiar with the Early Start Project buildings, having performed the Phase 1 designs associated with those buildings; and

WHEREAS, the RJSCB approved the selection of Cannon Design (“Cannon” or “Architect”) as the Architect for the East High School project in Phase I (Resolution 2011-12: 39); and

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

WHEREAS, in May 2015, the RJSCB authorized Canon (Resolution 2014-15: 216) to begin the program verification and planning associated with the East High School project in Phase 2a; and

WHEREAS, in its authorization to proceed the RJSCB required that, upon completion of the Program Verification Phase, the Architect will provide an update to the RJSCB and to the District, and the Program Manager will 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 December 21-22, 2016, the Architect and Program Manager presented the Phase 2a East High School program verification plans to the Superintendent 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 January 17, 2017, the Architect and Program Manager presented the Phase 2a East High School program verification plans to the RJSCB.

THEREFORE, BE IT RESOLVED:

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

**Second by Board Member Benincasa  
Approved 5-0 with Members Cruz and Schmidt away**

**Resolution 2016-17: 122  
Program Verification Approval – School 16 (Phase 2a)**

**By Board Member Brown**

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

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

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

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

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

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

WHEREAS, on January 11, 2016, the RJSCB issued a request for proposals for architectural services for Phase 2a School 16 project (Resolution 2015-16: 82); and

WHEREAS, the RJSCB approved the selection of SWBR Architects ("SWBE" or "Architect") as the Architect for the Phase 2a School 16 project (Resolution 2015-16: 102); and

WHEREAS, the RJSCB entered into an agreement with SWBR (Resolution 2015-16: 102) dated February 9, 2016, entitled Agreement Between Board and Architect (the "Agreement"); and

WHEREAS, the Agreement authorized SWBR to begin the program verification and planning associated with the Phase 2a School 16 project; and

WHEREAS, the Agreement requires that upon completion of the Program Verification Phase, SWBR will provide an update to the RJSCB and to the District, and the Program Manager will 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 December 21-22, 2016, the Architect and Program Manager presented the Phase 2a School 16 program verification plans to the Superintendent 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 January 17, 2017, the Architect and Program Manager presented the Phase 2a School 16 program verification plans to the RJSCB.

THEREFORE, BE IT RESOLVED:

1. The Program Verification Documents for the Phase 2a School 16 project are approved; and
2. The Program Manager is hereby authorized to direct the Architect for the Phase 2a School 16 project (SWBR) to proceed with the next phase in the design process, the Schematic Design Phase.

**Second by Board Member Benincasa  
Approved 5-0 with Members Cruz and Schmidt away**

**Resolution 2016-17: 123**  
**Program Verification Approval – Monroe High School (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, the legislation for Phase 2 of the RSMP states that “the RJSCB may extend the contracts of the providers of professional services for Phase One upon the adoption of findings that doing so would be in the public interest; the contracts of the Program Manager and the independent Compliance Officer for Phase Two will be rebid, and provided further that the Program Manager and the Independent Compliance Officer and any new or different providers of professional services shall be engaged in compliance with the provisions of Section Eight of this Act”; and

WHEREAS, the Superintendent identified and confirmed several projects for Phase 2 of the RSMP for which the District would like the RSJCB to begin design work immediately, in parallel to the work being done on the Master Plan for Phase 2, and in advance of formal Board of Education and New York State Comptroller approval; 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 to begin the design process for these projects; and

WHEREAS, the RJSCB recognized that in order to maintain the proposed Phase 2 activity schedule it was necessary to engage the design services for these Early Start Projects immediately; and

WHEREAS, as permitted by the Phase 2 legislation, the RJSCB extended the services of those professional service firms which are most familiar with the Early Start Project buildings, having performed the Phase 1 designs associated with those buildings; and

WHEREAS, in November 2011, the RJSCB approved the selection of Chaintreuil Jensen Stark Architects, LLP (“CJS” or “Architect”) as the Architect for the Monroe High School project in Phase I (Resolution 2011-12: 39); and

WHEREAS, in May 2015, the RJSCB authorized CJS (Resolution 2014-15: 216) to begin the program verification and planning associated with the Monroe High School project in Phase 2; and

WHEREAS, in its authorization to proceed the RJSCB required that upon completion of the Program Verification Phase, the Architect shall provide an update to the RJSCB and to the District, and the Program Manager will 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 December 21-22, 2016, the Architect and Program Manager presented the Phase 2b Monroe High School program verification plans to the Superintendent 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 January 17, 2017, the Architect and Program Manager presented the Phase 2b Monroe High School program verification plans to the RJSCB.

THEREFORE, BE IT RESOLVED:

1. The Program Verification Documents for the Phase 2b Monroe High School project are approved; and
2. The Program Manager is hereby authorized to direct the Architect for the Phase 2b Monroe High School project (Chaintreuil Jensen Stark Architects) to proceed with the next phase in the design process, the Schematic Design Phase.

**Second by Board Member Benincasa  
Approved 5-0 with Members Cruz and Schmidt away**

**Resolution 2016-17: 124  
Program Verification Approval – School 1/15 (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 (“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, the Martin B. Anderson School 1/15 (“School 1/15”) is one of the projects included in Phase 2b of the RSMP as provided in the Phase 2 Master Plan; and

WHEREAS, on June 29, 2016, the RJSCB issued a request for proposals for architectural services for Phase 2b Schools (Resolution 2015-16: 158); and

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

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

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

WHEREAS, the Agreement requires that upon completion of the Program Verification Phase, Moody-Nolan will

provide an update to the RJSCB and to the District, and the Program Manager will 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 December 21-22, 2016, Moody-Nolan and the Program Manager presented the Phase 2b School 1/15 program verification plans to the Superintendent 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 January 17, 2017, the Architect and Program Manager presented the Phase 2b School 1/15 program verification plans to the RJSCB.

THEREFORE, BE IT RESOLVED:

1. The Program Verification Documents for the Phase 2b School 1/15 project are approved; and
2. The Program Manager is hereby authorized to direct the Architect for Phase 2b School 1/15 project (Moody-Nolan) to proceed with the next phase in the design process, the Schematic Design Phase.

**Second by Board Member Benincasa  
Approved 5-0 with Members Cruz and Schmidt away**

**Resolution 2016-17: 125  
Program Verification Approval – School Without Walls Commencement Academy (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 (“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, the School Without Walls Commencement Academy (“School Without Walls”) is one of the projects included in Phase 2b of the RSMP as provided in the Phase 2 Master Plan; and

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

WHEREAS, the RJSCB approved the selection of Clark Patterson Lee (“CPL” or “Architect”) as the Architect for the Phase 2b School Without Walls project (Resolution 2016-17: 41); and

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

WHEREAS, the Agreement authorized CPL to begin the program verification and planning associated with the Phase 2b School Without Walls project; and

WHEREAS, the Agreement requires that upon completion of the Program Verification Phase, CPL will provide an update to the RJSCB and to the District, and the Program Manager will 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 December 21-22, 2016, CPL and the Program Manager presented the Phase 2b School Without Walls program verification plans to the Superintendent 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 January 17, 2017, the Architect and Program Manager presented the Phase 2b School Without Walls program verification plans to the RJSCB.

THEREFORE, BE IT RESOLVED:

1. The Program Verification Documents for the Phase 2b School Without Walls project are approved; and
2. The Program Manager is hereby authorized to direct the Architect for Phase 2b School Without Walls project (CPL) to proceed with the next phase in the design process, the Schematic Design Phase.

**Second by Board Member Benincasa  
Approved 5-0 with Members Cruz and Schmidt away**

**Resolution 2016-17: 126  
Program Verification Approval – Dr. Freddie Thomas Learning Center (Phase 2b)**

**By Board Member Brown**

WHEREAS, the Rochester School Facilities Modernization Program Act (the "Act") established the Rochester Joint Schools Construction Board ("RJSCB" 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, the Dr. Freddie Thomas Learning Center ("DFTLC") is one of the projects included in Phase 2b of the RSMP as provided in the Phase 2 Master Plan; and

WHEREAS, June 29, 2016, the RJSCB issued a request for proposals for architectural services for Phase 2b Schools (Resolution 2015-16: 158); and

WHEREAS, the RJSCB approved the selection of Watts Architecture and Engineering (“Watts” or “Architect”) as the Architect for the Phase 2b DFTLC project (Resolution 2016-17: 41); and

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

WHEREAS, the Agreement authorized Watts to begin the program verification and planning associated with the DFTLC project; and

WHEREAS, the Agreement requires that upon completion of the Program Verification Phase, Watts will provide an update to the RJSCB and to the District, and the Program Manager will 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 December 21-22, 2016, Watts and the Program Manager presented the Phase 2b DFTLC 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 January 17, 2017, the Architect and Program Manager presented the Phase 2b DFTLC program verification plans to the RJSCB.

THEREFORE, BE IT RESOLVED:

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

**Second by Board Member Benincasa  
Approved 5-0 with Members Cruz and Schmidt away**

**Resolution 2016-17: 127  
Comprehensive Builder’s Risk Insurance for Phase 2 of the RSMP**

**By Board Member Brown**

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

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

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

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

WHEREAS, the RJSCB retained Lawley Services Inc. to provide insurance and bond review consultant services in connection with the RSMP (Resolution 2016-17: 44);

WHEREAS, pursuant to the Contract Documents for the various construction projects that have been completed or under construction, it has been the obligation of the General Trades Contractor to obtain a Builder’s Risk Insurance policy for the project with the cost of same included in the Contract Sum; and

WHEREAS, Lawley sought and obtained proposals for comprehensive Builder's Risk Insurance for Phase 2 of the RSMP to be purchased and maintained by the RJSCB; and

WHEREAS, Lawley has advised the RJSCB of the cost savings, higher coverage limits and efficiencies associated with the RJSCB's purchase of Builder's Risk Insurance for the Phase 2 buildings and improvements; and

WHEREAS, Lawley obtained a proposal from Travelers for comprehensive Builder's Risk Insurance for Phase 2 of the RSMP (attached), which includes Builder's Risk and Existing Structure coverage, at an annual premium of \$102,306; and

WHEREAS, the RJSCB's M/WBE and Services Procurement Committee at its January 12, 2017 meeting considered and discussed the recommendation from Lawley concerning comprehensive Builder's Risk insurance for Phase 2 of the RSMP, and after due deliberation, it was agreed to forward the Travelers' proposal to the full Board for review and approval at its January 17, 2017 regular monthly meeting; and

WHEREAS, at its regular monthly meeting on January 17, 2017, the RJSCB considered and discussed Lawley's recommendation and the Travelers' proposal and, after due deliberation, approved the purchase of comprehensive Builder's Risk Insurance for Phase 2 of the RSMP in accordance with the Travelers' proposal.

THEREFORE, BE IT RESOLVED:

1. The RJSCB Chair is hereby authorized, in the name and on behalf of the RJSCB, to do all things necessary to effectuate said policy.

**Second by Board Member Benincasa  
Approved 5-0 with Members Cruz and Schmidt away**

### **Communications**

Member Jones noted that he would like to salvage the 1776 N. Clinton Avenue building so that the neighborhood is left whole. Tom Rogér said he is preparing a demo package for 1776, including an asbestos survey that will be tied into the roof project for School 50, which makes the demolition of 1776 aidable through Phase 1. Following demolition, a grass or turf field will be installed for use by School 50, as was originally planned.

**Next steps:** An Amendment to Clark Patterson Lee (School 50 Architect) will formally recommend the demo package and asbestos survey at the Board's February meeting. John Springer will provide the lease for the new program space for consideration, as a permit is required for the build-out at the new space.

**The Phase 1 Monthly Report is included in the Member's packets.**

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

– **BOP:** 13 firms completed the first semester cycle and attended graduation 1/11/17. Participants Flower City Monitor Service, Flood & Flood, and Cannon Electric already at work in the program. BOP has identified 6 mentor-protégé matches. The new program website will be up the week of 1/23/17.

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

- 88.76% submissions for the November 2016 reporting period.
- 97.99% of all data requested has been received and approved (April 2011 through November 2016).
- Overall Workforce (EEO) Participation: Minority @ 22.82% (goal is 20%) and Women @ 7.24% (goal is 6.9%).
- Overall Business Participation: Minority @ 15.72% (goal is 15%), Women @7.41% (goal is 5%), Disadvantaged @ 2.33% (goal is 2%) and Small @ 3.75 (goal is 5%).
- Rochester Residents: 21 of the 54 workers for the November 2016 reporting period (or 32.31%). The average Rochester Resident workforce (construction) from inception (April 2011 through November 2016) is 27.41%.

- M.A. Ferrauilo has requested a waiver for projected compliance shortfalls on a number of change orders for Monroe HS Phase 1c. After agreeing to a settlement implemented by the Attorney General (AG), M.A. Ferrauilo is required to notify the AG of any compliance shortfalls. Joe Ferrauilo has provided an outline of change orders that are less than \$50,000 each. In total, there is approximate \$329,414 in change orders of this magnitude. M.A. Ferrauilo anticipates some compliance towards these changes, total approximate 25.70% of the contract value. The diversity requirements include language for change orders summing less than \$50,000. Per 004331 – MWBE/DBE/SBE Utilization and Workforce Diversity Section VIII. During Progress Work (.3)(a)(b)(c)(d)(.4):

- (.3) The ICO may, in its discretion and upon contractor's written request, consider the following factors in determining whether contractor has used Good Faith Efforts to meet the required Goals:
- (a) If the contract change or Allowance requires contractor to provide additional materials and/or supplies, as opposed to performing additional labor;
  - (b) If the change Allowance work is the same type of work currently being performed by the contractor under contract with a non-EBE supplier or subcontractor on the Project;
  - (c) If the EBE subcontractors are not capable or available to do the work required by contract change or Allowance;
  - (d) Any other factor impacting contractor's ability to adjust the Goals in accordance with the increased Contract Sum.

(.4) The ICO in its discretion may waive the requirement to meet modified Goals if approved contract modifications or authorization to perform Allowance work results in a minor net increase in the Contract Sum (less than \$50,000) such that restructuring contracts would be impractical or unduly burdensome to contractor. However, the contractor must otherwise demonstrate compliance with modified percentage Goals to the satisfaction of the ICO.

Baker Tilly reviewed this information and believes M.A. Ferrauilo has shown a Good Faith Effort. Tom Richards has asked Baker Tilly and RJSCB legal counsel, Harter Secrest to contact the AG and acquire their interpretation and recommendation for this situation. M.A. Ferrauilo has is continuing to work with Baker Tilly in determining compliance shortfalls for change orders in excess of \$50,000.

**The Budget reports for Phase 1 and Phase 2 were reviewed at the Finance Committee Meeting January 12, 2017 and included in the Member's packets.**

**The M/WBE and Services Procurement Committee Report for January 12, 2017 is included in the Members packets.**

**The Finance Committee Report for January 12, 2017 is included in the Members packets.**

**Adjournment**

**Approved at 6:45 pm**