

**Rochester Joint Schools Construction Board
Minutes
February 6, 2017
4:30 PM**

Present

Chairman Allen Williams, Charles Benincasa, Bob Brown, I. Geena Cruz, Norman Jones, Tom Richards, and ICO Brian Sanvidge. Vice Chair Mike Schmidt participated via conference call. Also present were: General Counsel Greg McDonald; Program Managers P  pin Accilien and Roland Coleman from Savin and Tom Rog  r from Gilbane.

Chairman Williams convened the meeting at 4:37 pm.

Approval of Minutes

Monthly Meeting held on January 17, 2017

Motion by Member Brown

Second by Member Jones

Approved 6-0 with Member Schmidt away

Consent Agenda Items

Resolution 2016-17: 128

Notice to JT Securities, Inc. Regarding Additional Compensation to Employees

By Board Member Brown

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

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

WHEREAS, in September 2012, as a result of repeated vandalism at the School 17 project site, the Rochester Schools Modernization Program ("RSMP") Phase I Program Manager recommended and the RJSCB approved that the Construction Manager for the School 17 project, The Pike Company ("Pike"), hire security guard services for after hours, weekend and holiday coverage (Resolution 2012-13: 31); and

WHEREAS, thereafter, the District requested that all RSMP projects include security guard services for after hours, weekends, and holiday coverage for those projects where the school buildings have been vacated for construction or are located in areas that either have a history of or are considered more vulnerable to vandalism; and

WHEREAS, the cost for security services for the RSMP were later identified by the Program Manager as a "program wide expense" and the method of paying for these services through the Construction Manager's contract did not lend itself easily to separation and tracking of these program costs; and

WHEREAS, based upon the Program Manager's recommendation, the RJSCB MWBE and Services Procurement Committee (the "Committee"), at its meeting on November 29, 2012, decided to contract directly with the security guard services firm; and

WHEREAS, in December 2012, the RJSCB approved that the Construction Manager for the School 58 project, LeChase Construction ("LeChase"), hire security guard services for the School 58 project site for a period of 90 days (Resolution 2012-13: 72) in order to provide the RJSCB time to prepare a contract directly with the security services firms; and

WHEREAS, Pike and LeChase each solicited proposals for these services for the School 17 and School 58 projects respectively; and

WHEREAS, in March 2013, the RJSCB approved Resolution 2012-13: 122 to authorize the Board to directly hire the security services firms for projects that were under construction at the time including the School 17, School 50 and School 58 projects and it then entered into an agreement with JT Securities, Inc. d/b/a Blackhawk Security and Investigation ("JT Securities") dated March 5, 2013 (the "Agreement"); and

WHEREAS, due to the schedule extension of the School 58 project, it became necessary to extend the services of JT Securities to provide additional security coverage at the School 58 project site; and

WHEREAS, the change in the schedule for the School 58 project resulted in a total increased cost of not-to-exceed \$100,000 under Amendment No. 1 (Resolution 2014-15: 3) and this was later extended in Amendment No. 2 (Resolution 2014-15: 123); and

WHEREAS, it has come to the attention of the RJSCB that the hourly rate that was being charged by JT Securities and paid to its employees for the work under the Agreement and Amendment No. 1 was not correct and that a higher rate should have been charged and paid; and

WHEREAS, the Program Manager has requested that JT Securities compile its certified payroll information for the RJSCB to show the correct amounts that are due for the applicable pay periods under the Agreement and Amendment No. 1; and

WHEREAS, based on the advice and recommendation of the Program Manager, the RJSCB approved an amendment to the Agreement in a not-to-exceed amount of \$100,000 subject to JT Securities providing a) the certified payroll information and b) the executed certification forms and proof of payment to the employees, all in an acceptable form per the Program Manager and the RJSCB (Resolution 2014-15: 132); and

WHEREAS, on November 24, 2014, Amendment No. 3 to the Agreement was executed by the Board and JT Securities; and

WHEREAS, the Program Manager has undertaken numerous efforts for more than eighteen months to obtain the certified payroll information and proof of payment from JT Securities but JT Securities has not provided all of the required information or the certifications of payment; and

WHEREAS, the RJSCB at its regular monthly meeting on February 6, 2017, considered and discussed JT Securities' failure to comply with the terms of the Agreement as amended by Amendment No. 3 and, after due deliberation, determined to establish a deadline by which JT Securities must provide the required information and certifications failing which the RJSCB will close the Agreement without further payment.

THEREFORE, BE IT RESOLVED:

1. The RJSCB Chair is hereby authorized, in the name and on behalf of the RJSCB, to send written notification to JT Securities, Inc. of a February 24, 2017 deadline to provide the required information and certifications; and
2. The RJSCB Chair will update the full Board at its regular meeting on March 6, 2017 as to the status of this matter and the RJSCB will, with the advice of the Program Manager and RJSCB's general counsel, take such further action with regard to this matter that is in the best interest of the RSMP.

Second by Board Member Cruz

Approved 6-0 with Member Schmidt away

Resolution 2016-17: 129

Transfer of Attorney General Settlement Funds to the RSMP Revolving Loan Program

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, pursuant to the Act, the RJSCB has the power to do all things necessary, convenient or desirable to carry out its purposes and for the exercise of the powers granted to it in the Act; and

WHEREAS, pursuant to a Program Management Agreement dated December 15, 2015, by and between the RJSCB and Savin Engineers, P.C. ("Savin" or the "Program Manager"), Savin is acting as program manager for Phase 2 of the RSMP; and

WHEREAS, in furtherance of the Act, the RJSCB with the assistance of the Program Manager established a Revolving Loan Program and adopted the Revolving Loan Fund Procedure to provide financial assistance to eligible contractors/subcontractors who perform work or provide materials in connection with Phase 2 of the RSMP (Resolution 2016-17: 120); 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 RJSCB received as restitution certain funds from the New York State Attorney General's settlement of claims of fraud against five RSMP contractors with regard to the diversity requirements of the RSMP (the "Settlement Funds"); and

WHEREAS, the RJSCB Chair and the RSMP Phase 2 Program Manager have recommended that the RJSCB transfer \$150,000 of the Settlement Funds to the Revolving Loan Program account that has been established at the Rochester Economic Development Corporation ("REDCO") for use in accordance with the terms of the Revolving Loan Fund Procedure; and

WHEREAS, the funds remaining in the Revolving Loan Program account at the conclusion of RSMP will be returned to the RJSCB to be used for the purposes of the School Modernization Act; and

WHEREAS, at the Finance Committee meeting held on February 2, 2017, the Finance Committee considered and discussed the recommendation from the Chair and the Program Manager to transfer \$150,000 of the Settlement Funds to Revolving Loan Program and, after due deliberation, approved said transfer.

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the proposed transfer of \$150,000 of the Settlement Funds to the Revolving Loan Program account maintained at REDCO for use in accordance with the terms of the Revolving Loan Fund Procedure and this resolution.
2. The RJSCB and staff of the RJSCB are hereby authorized to take whatever additional actions are necessary to implement the foregoing resolution.

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

Resolution 2016-17: 130
Acceptance of Savin Engineers, P.C.'s Donation to the RSMP Revolving Loan Program

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, pursuant to the Act, the RJSCB has the power to do all things necessary, convenient or desirable to carry out its purposes and for the exercise of the powers granted to it in the Act; and

WHEREAS, pursuant to a Program Management Agreement dated December 15, 2015, by and between the RJSCB and Savin Engineers, P.C. ("Savin" or the "Program Manager"), Savin is acting as program manager for Phase 2 of the RSMP; and

WHEREAS, in furtherance of the Act, the RJSCB with the assistance of the Program Manager established a Revolving Loan Program and adopted the Revolving Loan Fund Procedure to provide financial assistance to eligible contractors/subcontractors who perform work or provide materials in connection with Phase 2 of the RSMP (Resolution 2016-17: 120); 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 Revolving Loan Fund will be maintained at an account established at the Rochester Economic Development Corporation ("REDCO") with such funds to be used in accordance with the terms and conditions of the Revolving Loan Fund Procedure; and

WHEREAS, Savin desires to donate \$100,000 of its own funds to the RSMP Revolving Loan Program to be used in accordance with the terms and conditions of the Revolving Loan Fund Procedure; and

WHEREAS, Savin acknowledged in its January 31, 2017 letter to the RJSCB Chair that its remaining contribution, net of REDCO's administrative fees and interest, will be turned over to the District at the conclusion of the RSMP for use as scholarships or other benefits to the District students; and

WHEREAS, the RJSCB Chair has recommended that the RJSCB accept Savin's donation of \$100,000 to the Revolving Loan Program account that has been established at REDCO for use in accordance with the terms of the Revolving Loan Fund Procedure; and

WHEREAS, at the Finance Committee meeting held on February 2, 2017, the Finance Committee considered and discussed the recommendation from the Chair to accept Savin's \$100,000 donation to the Revolving Loan Program and, after due deliberation, approved and accepted said donation.

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves and accepts, with gratitude, Savin's \$100,000 donation to the Revolving Loan Program account maintained at REDCO for use in accordance with the terms of the Revolving Loan Fund Procedure and this resolution.
2. The RJSCB and staff of the RJSCB are hereby authorized to take whatever additional actions are necessary to implement the foregoing resolution.

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

Resolution 2016-17: 131
Lease of RSMP Office Space at 70 Carlson Road, Rochester, NY
and Amendment to the Phase 2 Program Manager Agreement

By Board Member Brown

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

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

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

WHEREAS, the amended 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, pursuant to a Program Management Agreement dated December 15, 2015 (the “Phase 2 PM Agreement”), by and between the RJSCB and Savin Engineers, P.C. (“Savin” or the “Program Manager”), Savin is acting as program manager for Phase 2 of the RSMP; and

WHEREAS, the office and warehouse located at 1776 North Clinton Avenue, 1790 North Clinton Avenue and 21 Rau Street, Rochester, NY (the “1776 N. Clinton Building”) is currently being used for program functions associated with the RSMP; and

WHEREAS, a building condition survey prepared by LaBella Associates, D.P.C. of the 1776 N. Clinton Building has concluded that the building is in “poor condition” and the City Fire Marshall has identified certain deficiencies that must be rectified; and

WHEREAS, the Program Manager has analyzed the cost of the necessary repairs to the 1776 N. Clinton Building and advised the RJSCB that the best option is for the RJSCB to relocate the RSMP offices in lieu of repairing the 1776 N. Clinton Building, which has previously been identified for demolition as part of the School 50 project; and

WHEREAS, the Program Manager has identified certain office space within a building located at 70 Carlson Road, Rochester, NY, consisting of 16,000 square feet, for purposes related to the RSMP (the “Premises”); and

WHEREAS, the RJSCB desires to use the Premises for purposes related to the RSMP, including but not limited to, office space for the staff of Savin and Gilbane Building Company; office space for RJSCB staff and program functions; office and training space for the RSMP Business Opportunity Program; and office space for the Independent Compliance Officer and other RSMP consultants; and

WHEREAS, at the direction of the RJSCB, the Program Manager has negotiated a 5-year lease agreement for the Premises (the “Lease Agreement”) and is prepared to enter into the Lease Agreement for use in connection with the RSMP; and

WHEREAS, in the event that the Phase 2 PM Agreement is terminated prior to December 31, 2021, the Lease Agreement shall, at the election of the RJSCB, be assigned by the Program Manager to the RJSCB or to the designated successor Phase 2 program manager; and

WHEREAS, the Rent for the Premises is \$9,333.99 per month and Additional Rent for 2017 (Common Area Maintenance, Tax and Insurance) is estimated to be \$1,013.00 per month; and

WHEREAS, the RJSCB desires to amend the Phase 2 PM Agreement to provide that the Rent and Additional Rent for the Premises are reimbursable expenses to the Program Manager; and

WHEREAS, the RJSCB will obtain aid from New York State to offset the Rent and Additional Rent for the Premises, since the Premises will be used for RSMP administration and said program expenses are included in the current Phase 2 budget as incidental expenses; and

WHEREAS, the RJSCB Chair has recommended to the RJSCB's MWBE and Procurement Committee (the "Committee") that the RJSCB approve the proposed Lease Agreement, subject to review by the RJSCB's general counsel, and amend the Phase 2 PM Agreement accordingly; and

WHEREAS, the Committee at its February 2, 2017 meeting considered and discussed the recommendation from the Chair that the RJSCB approve the Lease Agreement and amend the Phase 2 PM Agreement and, after due deliberation, the Committee approved the proposed Lease Agreement and an amendment to the Phase 2 PM Agreement as set forth above, subject to the recommended legal review.

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the Lease Agreement for the Premises and an amendment to the Phase 2 PM Agreement as set forth above, subject to the recommended legal review.
2. The RJSCB hereby authorizes the Chair, in the name and on behalf of the RJSCB, to execute the Lease Agreement and an amendment to the Phase 2 PM Agreement in such form as is acceptable to the Chair with the advice of the RJSCB's general counsel.

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

Resolution 2016-17: 132
Amendment #12 to Clark Patterson Lee Agreement – School 50

By Board Member Brown

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

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

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

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

WHEREAS, subsequent to the execution of the Agreement, the Program Manager requested, and cost proposals were obtained and reviewed, for additional scopes of design services for (i) the redesign of the roof and the design of new playfields at School 50 and (ii) the demolition of the Maynard's Building; and

WHEREAS, the Program Manager recommended to the MWBE and Services Procurement Committee (the "Committee") that CPL's Agreement should be amended to add these additional scope items and associated reimbursable costs in the total amount of \$58,500.00 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 February 2, 2017, and after due deliberation, the Committee approved the request to amend the Agreement.

THEREFORE, BE IT RESOLVED:

1. The proposed amendment to the Clark Patterson Lee Agreement between Board and Architect dated March 28, 2011, as set forth above is hereby approved, increasing the total amount of the Agreement by the sum of \$58,500.00; 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 Cruz
Approved 6-0 with Member Schmidt away

Resolution 2016-17: 133
Amendment #1 to Lawley Insurance Agreement 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 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) and entered into a Consulting Services Agreement dated September 12, 2016 (the "Agreement"); and

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

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

WHEREAS, at its regular monthly meeting on January 17, 2017, the RJSCB approved the purchase of comprehensive Builder's Risk Insurance for Phase 2 of the RSMP in accordance with the Travelers' proposal (Resolution 2016-17: 127); and

WHEREAS, the Program Manager thereafter recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that Lawley's Agreement be amended to add the total amount of \$511,530 to

provide for the funding of the annual premium cost for five (5) years of the Travelers' Builder's Risk and Existing Structure insurance to be obtained by Lawley on behalf of the RJSCB for the duration of Phase 2; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its February 2, 2017 meeting, and after due deliberation, it approved the request to amend the Agreement.

THEREFORE, BE IT RESOLVED:

1. The proposed amendment to Consulting Services Agreement between the RJSCB and Lawley dated September 12, 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 Consulting Services Agreement that is consistent with this approval and in an acceptable form to the Chair upon the advice of the Program Manager and the RJSCB's general counsel.

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

Resolution 2016-17: 134
Amendment #2 to SWBR Architects Agreement – John Walton Spencer School No. 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"), a seven voting member board consisting of equal representation by the City of Rochester ("City") and the Rochester City School District ("District"), as well as a member jointly selected by the City and the District; and

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

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

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

WHEREAS, the RJSCB 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 additional scopes of design work required for Option I.2, including a revised schematic design, revise design development and work on new HVAC and electrical system design 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 \$198,152.00 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 February 2, 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 Cruz
Approved 6-0 with Member Schmidt away

Resolution 2016-17: 135
Reconciliation of Controls Equipment Purchase Order – School 12 (Day Automation Systems)

By Board Member Brown

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

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

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

WHEREAS, the RJSCB approved the selection of Day Automation Systems ("Day") for the purchase of building controls for the School 12 project pursuant to State Contract PT 64059 in the amount of \$349,778.94 (Resolution 2014-15: 223); and

WHEREAS, the RJSCB thereafter issued a purchase order in the amount of \$349,778.94 for the School 12 project to Day; and

WHEREAS, the RJSCB has completed its purchases for the School 12 project pursuant to said purchase order, and the Program Manager has completed its reconciliation of all invoices for the purchases resulting in an unused purchase order balance remaining in the amount of \$12,649.45 (which has been agreed to by Day); and

WHEREAS, the Program Manager recommended to the MWBE and Services Procurement Committee (the "Committee") that Day's purchase order should be amended to credit the amount of \$12,649.45 back to the RSMP; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its February 2, 2017 meeting to reduce Day's purchase order amount by \$12,649.45, 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 Day in the amount of \$12,649.45 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 Cruz
Approved 6-0 with Member Schmidt away**

**Resolution 2016-17: 136
Phase 2c Design Services RFP**

By Board Member Brown

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

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

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

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

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

WHEREAS, the Superintendent has identified and confirmed the projects for Phase 2 of the RSMP 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 identified projects (the "Phase 2c Projects") include: Dag Hammarskjold School 6; Dr. Walter Cooper School 10; George Mather Forbes School 4; and Clara Barton School 2; and

WHEREAS, it is understood by the District, the City, and the RJSCB that the Bond Anticipation Note ("BAN") provided by the City, which closed on August 9, 2016 for the amount of \$32,000,000, will provide the funds for the design work associated with Phase 2 projects and to engage other professional service firms to begin Phase 2 planning and coordination work; 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 New York State Education Department and New York State Comptroller; and

WHEREAS, the RJSCB's Phase 2 Program Manager has prepared a request for proposals for Design services for Phase 2c Projects (the "RFP"), provided the draft of the RFP to the RJSCB for review, and it is ready to be issued; and

WHEREAS, the MWBE and Services Procurement Committee (the "Committee") reviewed the RFP to be issued for Design Services for Phase 2c Projects and approved the RFP at its February 2, 2017 meeting for forwarding to the full Board.

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the RFP for Phase 2c Design services and authorizes the Program Manager to issue the RFP on February 7, 2017; and
2. The MWBE and Services Procurement Committee is authorized, on behalf of the RJSCB, with the advice and recommendations of the Program Manager, to review the Phase 2c RFP responses, select finalists, conduct interviews of the architect finalists along with other RJSCB board members, and recommend to the RJSCB the most qualified candidates.

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

**Resolution 2016-17: 137
Phase 2d Design Services RFP**

By Board Member Brown

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

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

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

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

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

WHEREAS, the Superintendent has identified and confirmed the projects for Phase 2 of the RSMP 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, this identified project (the "Phase 2d Project") includes Flower City School 54; and

WHEREAS, it is understood by the District, the City, and the RJSCB that the Bond Anticipation Note ("BAN") provided by the City, which closed on August 9, 2016 for the amount of \$32,000,000, will provide the funds for the design work associated with Phase 2 projects and to engage other professional service firms to begin Phase 2 planning and coordination work; 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 New York State Education Department and New York State Comptroller; and

WHEREAS, the RJSCB's Program Manager has prepared a request for proposals for Design services for the Phase 2d Project (the "RFP"), provided the draft of the RFP to the RJSCB for review, and it is ready to be issued; and

WHEREAS, the MWBE and Services Procurement Committee (the "Committee") reviewed the RFP to be issued for Design Services for the Phase 2d Project and approved the RFP at its February 2, 2017 meeting for forwarding to the full Board.

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approved the RFP for Phase 2d Design services and authorizes the Program Manager to issue the RFP on February 7, 2017; and
2. The MWBE and Services Procurement Committee is authorized, on behalf of the RJSCB, with the advice and recommendations of the Program Manager, to review the Phase 2d RFP responses, select finalists, conduct interviews of the architect finalists along with other RJSCB board members, and recommend to the RJSCB the most qualified candidates.

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

Resolution 2016-17: 138
Schematic Design Approval and Authorization to Release Abatement and Demolition Bid Documents – 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 (“SWBR” 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, at its regular monthly meeting on January 17, 2017, the RJSCB approved the Program Verification Documents for the Phase 2a School 16 project (Resolution 2016-17: 122); and

WHEREAS, the Program Manager recommended to the MWBE and Services Procurement Committee (the “Committee”) that the Schematic Design Documents be approved and that the RJSCB authorize the release of the Demolition and Abatement bidding documents for the Phase 2a School 16 project; and

WHEREAS, the Committee considered and discussed the Program Manager’s recommendation at its February 2, 2017 meeting, and after due deliberation, the Committee approved the Schematic Design Documents and the request to release the Demolition and Abatement bidding documents for the Phase 2a School 16 project.

THEREFORE, BE IT RESOLVED:

1. The Schematic Design Documents for the Phase 2a School 16 project are hereby approved;
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 Design Development Phase;
3. The RJSCB, through its Program Manager, shall proceed with the issuance of a Request for Bids for the School 16 Abatement and Demolition project in order to maintain the overall project schedule contingent upon approval by the New York State Education Department;
4. Prior to issuance of the Request for Bids, the Program Manager shall work with the RJSCB’s general counsel to further develop and finalize the Request for Bid package, including the General Conditions of the Contract and the form of Contract; and
5. The MWBE and Services Procurement Committee, with the advice and recommendations of the Program Manager, is authorized on behalf of the RJSCB to review the bid responses and recommend to the RJSCB the lowest responsible bidders.

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

Resolution 2016-17: 139
Change Order #13 to Steve General Contractor – (School 5)

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, in July 2014, the RJSCB approved the award of the roofing general contractor contract to Steve General Contractor, Inc. ("Steve General") for the School 5 project in Phase I (Resolution 2014-15: 8); and

WHEREAS, the RJSCB entered into a contract with Steve General (Resolution 2014-15: 8), dated July 7, 2014 (the "Contract"), to perform the scope of services defined in the contract documents as the roofing general contractor's scope of work; and

WHEREAS, following the execution of the Contract, Steve General, 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 #13 includes the following items:

- | | |
|-----------------------------------|------------|
| 1. Patch holes on roof of columns | \$7,776.76 |
|-----------------------------------|------------|

The Total amount of Change Order #13 is \$7,776.76; 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 MWBE and Services Procurement Committee (the "Committee") that Steve General's Contract should be amended to increase this scope item for a total increase in the Contract Sum of \$7,776.76; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its February 2, 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's Contract between the Board and Contractor dated July 7, 2014 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 Cruz
Approved 6-0 with Member Schmidt away

Resolution 2016-17: 140
Change Order #60 to LeChase Construction Contract (School 12)

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 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 #60 includes the following items:

- | | |
|---|------------|
| 1. Cafeteria Round Lighting FRP Closure Panel – | \$5,127.03 |
| The Total amount of Change Order #60 is \$5,127.03; 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 MWBE and Services Procurement Committee (the "Committee") that LeChase's Contract should be amended to add this scope item for a total increase in the Contract Sum of \$5,127.03; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its February 2, 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 Cruz
Approved 6-0 with Member Schmidt away

Resolution 2016-17: 141
Change Orders #25 and #26 to Hewitt Young Electric Contract (School 12)

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 RJSCB approved the award of the electrical contractor contract to Hewitt Young Electric ("HYE") for the School 12 project in Phase I (Resolution 2014-15: 202); and

WHEREAS, the RJSCB entered into a contract with HYE (Resolution 2014-15: 202) dated March 17, 2015 (the "Contract"), to perform the scope of services defined in the contract documents as the electrical contractor's scope of work; and

WHEREAS, following the execution of the Contract, HYE, 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 #25 includes the following items:

- | | |
|--|-------------|
| 1. Cafeteria Partition Inspection – | \$2,515.00 |
| 2. Cafeteria Folding Partition Safety System – | \$22,029.27 |

The Total amount of Change Order #25 is \$24,544.27; and

WHEREAS, Change Order #26 includes the following items:

- | | |
|------------------------------------|------------|
| 1. RFI#0454 – Type PD - Wrong Wire | \$1,216.96 |
| 2. Light Pole Base Replacement | \$1,088.39 |
| 3. Card Access @ Room 138 | \$1,922.75 |

The Total amount of Change Order #26 is \$4,228.10; 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 MWBE and Services Procurement Committee (the "Committee") that HYE's Contract should be amended to add these scope items for a total increase in the Contract Sum of \$28,772.37; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its February 2, 2017 meeting and, after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

1. The proposed Change Orders to HYE's Contract between the Board and Contractor dated March 17, 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 Cruz

Approved 6-0 with Member Schmidt away

Resolution 2016-17: 142

Change Order #15 to Manning Squires Hennig Contract (Monroe)

By Board Member Brown

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

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

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

WHEREAS, Change Order #15 includes the following items:

- | | |
|---|--------------|
| 1. ACM Misc Building Wide – | \$180,733.00 |
| The Total amount of Change Order #15 is \$180,733.00; and | |

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

WHEREAS, the Program Manager thereafter recommended to the RJSCB's M/WBE and Services Procurement Committee (the "Committee") that Manning Squires' Contract should be amended to add these scope items for a total increase in the Contract Sum of \$180,733.00; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its February 2, 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 Cruz
Approved 6-0 with Member Schmidt away

Resolution 2016-17: 143
Change Order #9 to Eastcoast Electric, LLC (Monroe)

By Board Member Brown

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

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

WHEREAS, the RJSCB approved the award of the electrical contractor contract to Eastcoast Electric, LLC (“Eastcoast”) for the Monroe High School project in Phase I (Resolution 2014-15: 242); and

WHEREAS, the RJSCB entered into a contract with Eastcoast (Resolution 2014-15: 242) dated June 9, 2015 (the “Contract”), to perform the scope of services defined in the contract documents as the electrical contractor’s scope of work; and

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

WHEREAS, Change Order #9 includes the following items:

- | | |
|--|-------------|
| 1. Room Number Drawings - | \$6,827.00 |
| 2. Disconnect Reconnect Window Wall Electric - | \$17,060.00 |

The Total amount of Change Order #9 is \$23,887.00; 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 MWBE and Services Procurement Committee (the “Committee”) that Eastcoast’s Contract should be amended to add these scope items for a total increase in the Contract Sum of \$23,887.00; and

WHEREAS, the Committee considered and discussed the Program Manager’s recommendation at its February 2, 2017 meeting and, after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

1. The proposed Change Order #9 to Eastcoast’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 Cruz
Approved 6-0 with Member Schmidt away

Resolution 2016-17: 144
Pay Requisition Summary Acceptance (January 2017)

By Board Member Brown

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

WHEREAS, the 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 \$298,586.38, 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 January 10, 2017; and

WHEREAS, the Program Manager forwarded the Phase 2 monthly Pay Requisition Summary (attached to this Resolution) totaling \$1,169,430.86, 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 January 10, 2017; and

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

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

THEREFORE, BE IT RESOLVED:

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

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

Resolution 2016-17: 145
Amendment #1 to Campus Construction Management Group Inc. Contract (CM – Monroe 2a)

By Board Member Brown

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

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

WHEREAS, the authorizing legislation for Phase 2 of the Rochester Schools Modernization Program ("RSMP" 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, as permitted by the Phase 2 legislation, the RJSCB approved an extension of the services of Campus Construction Management Group Inc. ("Campus") (Resolution 2015-16: 121) for the Phase 2 Monroe High School project; and

WHEREAS, the RJSCB and Campus thereafter entered into the Construction Management Agreement dated May 2, 2016 for the provision of construction management services by Campus for the Phase 2a Monroe High School project (the "Agreement"); and

WHEREAS, subsequent to the execution of the Agreement, Campus has provided certain pre-construction phase construction management services for the Phase 2a Monroe High School project; and

WHEREAS, the RJSCB has retained The Pike Company as construction manager for the Phase 2b Monroe High School project (Resolution 2016-17: 112); and

WHEREAS, the Program Manager has recommended to the RJSCB that, for cost-savings and project efficiencies, it utilize a single construction manager for the Phase 2a and 2b Monroe High School projects; and

WHEREAS, on January 27, 2016, the RJSCB issued a notice of termination for convenience to Campus with regard to the Campus Agreement; and

WHEREAS, the parties subsequently conferred and agreed to, in lieu of a for convenience termination, amend the Campus Agreement to remove the construction phase construction management services from the scope of the Agreement and decrease the compensation for construction management services accordingly; and

WHEREAS, the MWBE and Services Procurement Committee considered and discussed the proposed amendment to the Campus Agreement at its February 2, 2017 meeting, and after due deliberation, it approved the request to amend the Agreement and rescind the RJSCB's January 26, 2017 notice of termination for convenience.

THEREFORE, BE IT RESOLVED:

1. The proposed amendment to the Agreement between the RJSCB and the Construction Manager dated May 2, 2016, as set forth above is hereby approved; and
2. The January 26, 2017 notice of termination for convenience is hereby rescinded effective upon the execution of the amendment as set forth above; and
3. 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 Cruz
Approved 6-0 with Member Schmidt away

Executive Session
Approved at 4:42 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 Brown
Second by Member Jones
Approved 6-0 with Member Schmidt away

The Board came out of Executive Session at 5:20 pm
Motion by Member Cruz
Second by Member Brown
Approved 6-0 with Member Schmidt away

Action Item

Resolution 2016-17: 146
Memorandum of Understanding Concerning 70 Carlson Road Leased Premises

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") 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, pursuant to a Program Management Agreement dated December 15, 2015, by and between the RJSCB and Savin Engineers, P.C. ("Savin" or the "Program Manager"), Savin is acting as program manager for Phase 2 of the RSMP; and

WHEREAS, Savin has entered into a lease agreement dated February 6, 2017 (the "Lease Agreement") for approximately 16,000 square feet of office space in a building located at 70 Carlson Road, Rochester, NY 14610 (the "Leased Premises") for use in connection with the RSMP; and

WHEREAS, the use of the Leased Premises for the RSMP will include: office space for the staff of Savin and Gilbane Building Company; office space for RJSCB staff and program functions; office and training space for RSMP Business Opportunity Program; and office space for the ICO and other RSMP consultants; and

WHEREAS, pursuant to the Act, the RJSCB wishes to establish a Memorandum of Understanding concerning the use and operation of the Leased Premises (the "MOU," a copy of which is attached hereto) among the City, the District, the RJSCB, Savin, Gilbane, Baker Tilly Virchow Krause, LLP, Vargas Associates, Millennium Strategies, Black Label IT Solutions and Rogers Enterprises, and additional parties that may in the future require use of the Leased Premises in connection with certain aspects of the RSMP (collectively known as the "Parties"); and

WHEREAS, the RJSCB Chair and the RJSCB's general counsel have recommended that the RJSCB execute the MOU; and

WHEREAS, the Committee considered and discussed the RJSCB Chair's recommendation at its February 2, 2017 meeting and, after due deliberation, it approved the request to forward the MOU to the full Board for review and approval.

THEREFORE, BE IT RESOLVED:

3. The RJSCB hereby approves the MOU in substantially the form presented at this meeting.
4. The RJSCB hereby authorizes the Chair, in the name and on behalf of the RJSCB, to execute the MOU, including such changes as he deems necessary, with the advice of the Program Manager and the RJSCB's general counsel, to finalize the document and conform to any requirements of Bond Counsel to the County of Monroe Industrial Development Agency.

**Second by Board Member Benincasa
Approved 6-0 with Member Schmidt away**

Communications

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

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

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

- 87.8% submissions for the December 2016 reporting period.
- 97.89% of all data requested has been received and approved (April 2011 through December 2016).
- Overall Workforce (EEO) Participation: Minority @ 22.82% (goal is 20%) and Women @ 7.24% (goal is 6.9%).
- Overall Business Participation: Minority @ 15.71% (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 55 workers for the December 2016 reporting period (or 38.18%). The average Rochester Resident workforce (construction) from inception (April 2011 through December 2016) is 27.33%.
- Member Jones requested information regarding participation in the ROAR Program (Phase 1). Baker Tilly to send the information via electronic mail.
- Member Cruz requested information regarding the BOP's first instructional series. Kimberly Mitchell, Savin/RSMP, to collect and send the information via electronic mail.

The Phase 1 Budge Report is included in the Member's packets and was reviewed at the Finance Committee Meeting February 2, 2017.

- There is a total contingency of \$2.33M. Charlotte has contingency for the doors being installed this upcoming February break, DWT is carrying contingency for the Consultant (Millennium) and Contractor (HYE) contracts still open, School 12 is in closeout, Monroe is still in construction, and the Owner's contingency is holding at \$1.4M.
- Tom Rogér stated that all projects are closed out, with FCR's filed with the District, with the exception of those noted above (Charlotte, School 12, and Monroe).
- Member Richards stated that a process needs to be worked out regarding Monroe so we can closeout Phase 1c in a timely manner in consideration of Phases 2a and 2b.

The Phase 2 Budge Report is included in the Member's packets and was reviewed at the Finance Committee Meeting February 2, 2017.

- Pépin Accilien reviewed the Cost Summaries emailed to the Members Friday, February 2, 2017 for Edison and School 16. This reflected the money moved from Edison to School 16. Edison's hard construction costs are now \$16.7M and School 16's hard construction costs are now \$28.2M.
- Member Benincasa stated that the BAN is now being extended to August 4, 2017.

The M/WBE and Services Procurement Committee Report for February 2, 2017 is included in the Members packets.

The Finance Committee Report for February 2, 2017 is included in the Members packets.

Adjournment

Approved at 5:54 pm