

**Rochester Joint Schools Construction Board**  
**Minutes**  
**May 8, 2017**  
**4:30 PM**

**Present**

Vice Chair Michael Schmidt, Charles Benincasa, Bob Brown, I. Geena Cruz, Norman Jones, Thomas Richards, and ICO Brian Sanvidge. Chairman Allen Williams was away. Also present: General Counsel Greg McDonald, Program Managers P  pin Accilien and Roland Coleman from Savin, and Tom Rog  r from Gilbane.

**Vice Chair Schmidt convened the meeting at 4:34 pm.**

**Approval of Minutes**

Monthly Meeting held on April 10, 2017

Motion by Member Brown

Second by Member Benincasa

Approved 6-0 with Chairman Williams away

Special Meeting held on April 27, 2017

Motion by Member Brown

Second by Member Benincasa

Approved 6-0 with Member Richards away

**Presentation**

**Edison Technology Campus**

Michael Short, LaBella Associates, stated that the package for summer 2017 is an early site and roof package that includes the southern parking lot and infill and roof repairs. The summer 2018 and summer 2019 work scope consists of structure rehabilitation and accommodating the new lower level program spaces.

**Consent Agenda Items**

**Resolution 2016-17: 192**

**Amendment #2 to Watts Architecture & Engineering – Dr. Freddie Thomas Learning Center (Phase 2b)**

**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 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 2b Schools (Resolution 2015-16: 158); and

WHEREAS, the RJSCB approved the selection of Watts Architecture & Engineering, D.P.C. (“Watts”) as the Architect for the Dr. Freddie Thomas Learning Center (“DFTLC”) project in Phase 2a (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, following the execution of the Agreement, the Program Manager requested, and cost proposals were then obtained and reviewed, for additional services to conduct an assessment of the pool equipment (pool filter and pool air unit) at DFTLC; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB that Watts’ Agreement should be amended to add this additional scope item in the total amount of \$9,104.00 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 MWBE and Services Procurement Committee considered and discussed the Program Manager’s recommendation at its May 4, 2017 meeting, and after due deliberation, it approved the request to authorize the assessment and amend the Watts Agreement accordingly.

THEREFORE, BE IT RESOLVED:

1. The proposed amendment to the Watts Agreement between Board and Architect 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 Watts 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 Jones  
Approved 6-0 with Chairman Williams away**

**Resolution 2016-17: 193  
Amendment #2 to LPCiminelli, Inc. Contract (CM – School 16)**

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

WHEREAS, subsequent to the execution of the Agreement, the Program Manager directed the Construction Manager to provide additional services due to the increase in project scope (Option I.2) and cost, as well as the

condensed schedule for the School 16 project and the Program Manager has received and reviewed a proposal for this additional work provided by the Construction Manager; and

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 \$155,670.00 for the additional scope of work in support of the School 16 project; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its May 4, 2017 meeting to increase the Construction Manager's Agreement by the not-to-exceed amount of \$155,670.00, 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 the Construction Manager dated August 9, 2016, as set forth above is hereby approved, increasing the total amount of the Agreement by the not-to-exceed amount of \$155,670.00; 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 Jones  
Approved 6-0 with Chairman Williams away**

**Resolution 2016-17: 194  
Amendment #3 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 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 and construction administration work required for (1) early foundation and steel package for accelerated design and construction schedule and (2) fulltime on-site project representation beyond basic services for the Phase 2a project at School No. 16; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB's M/WBE and Services Procurement Committee (the "Committee") that SWBR's Agreement should be amended to add these additional scope items in the total amount of \$184,136.00 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 May 4, 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 Jones**  
**Approved 6-0 with Chairman Williams away**

**Resolution 2016-17: 195**  
**Authorization to Release Roof Replacement Bid Documents – East (Phase 2)**

**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, 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 East High School ("East") is one of the projects included in Phase 2 of the RSMP as provided in the Phase 2 Master Plan; and

WHEREAS, the Program Manager is working with the East Architect and Construction Manager to prepare requests for bids for the early Roof Replacement bidding documents package; and

WHEREAS, the Program Manager recommended to the MWBE and Services Procurement Committee (the "Committee") that the RJSCB authorize the release of the early Roof Replacement bidding documents for the Phase 2 East project; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its May 4, 2017 meeting, and after due deliberation, the Committee approved the request to release the early Roof Replacement bidding documents for the Phase 2 East project.

THEREFORE, BE IT RESOLVED:

1. The RJSCB, through its Program Manager, shall proceed with the issuance of a Request for Bids for the East early Roof Replacement prime contract in order to maintain the overall project schedule contingent upon approval by the New York State Education Department; and
2. 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

3. 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 bidder.

**Second by Board Member Jones  
Approved 6-0 with Chairman Williams away**

**Resolution 2016-17: 196  
Authorization to Release Roof and Site Work Bid Documents – Edison Technology Campus (Phase 2b)**

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

WHEREAS, the Program Manager is working with the Edison Architect and Construction Manager to prepare requests for bids for the Roof and Site Work bidding documents package; and

WHEREAS, the Program Manager recommended to the MWBE and Services Procurement Committee (the “Committee”) that the RJSCB authorize the release of the Roof and Site Work bidding documents for the Phase 2b Edison project; and

WHEREAS, the Committee considered and discussed the Program Manager’s recommendation at its May 4, 2017 meeting, and after due deliberation, the Committee approved the request to release the Roof and Site Work bidding documents for the Phase 2b Edison project.

**THEREFORE, BE IT RESOLVED:**

1. The RJSCB, through its Program Manager, shall proceed with the issuance of a Request for Bids for the Edison Roof and Site prime contracts in order to maintain the overall project schedule contingent upon approval by the New York State Education Department;
2. 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 packages, including the General Conditions of the Contract and the form of Contract; and
3. 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 Jones  
Approved 6-0 with Chairman Williams away**

**Resolution 2016-17: 197  
Phase 2b Site Security Services Selection**

**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 RJSCB 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 2b Schools") include: Monroe High School (Part B); Dr. Freddie Thomas Learning Center; School Without Walls; Martin B. Anderson School 15; and Edison Technical Campus; and

WHEREAS, the RJSCB issued a request for proposals ("RFP") for Site Security Services for Phase 2b Schools (Resolution 2016-17: 152); and

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

WHEREAS, the RJSCB Chair, the Program Manager and Independent Compliance Officer ("ICO") subsequently interviewed three of the respondent firms; and

WHEREAS, following the interviews, the RJSCB Chair, Program Manager and ICO identified AP Safety & Security as the best candidate for the Monroe Phase 2b, School Without Walls and Dr. Freddie Thomas Learning Center projects based on its qualifications, experience, ability to meet the demands and staffing for the project, and cost of services; and

WHEREAS, following the interviews, the RJSCB Chair, Program Manager and ICO identified Armor Security and Protection as the best candidate for the Edison Educational Campus project based on its qualifications, experience, ability to meet the demands and staffing for the project, and cost of services; and

WHEREAS, following the interviews, the RJSCB Chair, Program Manager and ICO identified Executive Investigations and Security as the best candidate for The Children's School of Rochester (1/15) project based on its qualifications, experience, ability to meet the demands and staffing for the project, and cost of services; and

WHEREAS, the M/WBE and Services Procurement Committee ("Committee") considered the recommendations from the Program Manager and ICO to award the contracts for Phase 2b Site Security Services to AP Safety & Security, Armor Security and Protection, and Executive Investigations and Security at its meeting on May 4, 2017, and, after due deliberation, it approved the recommendation.

THEREFORE, BE IT RESOLVED:

1. The contract for Site Security Services for the Monroe Phase 2b, School Without Walls and Dr. Freddie Thomas Learning Center projects of Phase 2b of the Rochester Schools Modernization Program is hereby awarded to AP Safety & Security; and
2. The contract for Site Security Services for the Edison Educational Campus project of Phase 2b of the Rochester Schools Modernization Program is hereby awarded to Armor Security and Protection; and
3. The contract for Site Security Services for The Children's School of Rochester project of Phase 2b of the Rochester Schools Modernization Program is hereby awarded to Executive Investigations and Security; and
4. The RJSCB Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute and deliver an Agreement to each firm named above in substantially the form included in the Request for Proposals, with such changes as the Chair may approve (his/her signature thereon being conclusive evidence of such approval) on the advice of the Program Manager and the RJSCB's general counsel.

**Second by Board Member Jones  
Approved 6-0 with Chairman Williams away**

**Resolution 2016-17: 198  
Phase 2b Materials Testing Services and Special Inspections Consultant Selection**

**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 (the "Amended Act"); and

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

WHEREAS, the RJSCB, upon the recommendation of its Program Manager, has determined a need for a Materials Testing and Special Inspections Services firm to provide services for the Monroe High School (Part B), Dr. Freddie Thomas Learning Center, School Without Walls, Martin B. Anderson School 15, and Edison Technical Campus projects (together the "2b projects") ; and

WHEREAS, the RJSCB issued a Request for Proposals ("RFP") for Materials Testing and Special Inspections Services for the Phase 2b projects (Resolution 2016-17: 166); and

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

WHEREAS, the RJSCB Chair, the Program Manager and Independent Compliance Officer ("ICO") subsequently interviewed the two respondent firms; and

WHEREAS, following the interviews, the RJSCB Chair, Program Manager and ICO identified SJB Services, Inc. as the best candidate for the Monroe Phase 2b and School Without Walls projects based on its qualifications, experience, ability to meet the demands and staffing for the project, and cost of services; and

WHEREAS, following the interviews, the RJSCB Chair, Program Manager and ICO identified Terracon Consultants, Inc. as the best candidate for the Children's School of Rochester (1/15), Edison Educational Campus and Dr. Freddie Thomas Learning Center projects based on its qualifications, experience, ability to meet the demands and staffing for the project, and cost of services; and

WHEREAS, the M/WBE and Services Procurement Committee ("Committee") considered the recommendations from the Program Manager and ICO to award the contracts for Phase 2b Materials Testing and Special Inspections Services to SJB Services, Inc. and Terracon Consultants, Inc. at its meeting on May 4, 2017, and, after due deliberation, it approved the recommendation.

THEREFORE, BE IT RESOLVED:

1. The contract for Materials Testing and Special Inspections Services for the Monroe Phase 2b and School Without Walls projects of Phase 2b of the Rochester Schools Modernization Program is hereby awarded to SJB Services, Inc.; and
2. The contract for Materials Testing and Special Inspections Services for the Children's School of Rochester (1/15), Edison Technology Campus, and Dr. Freddie Thomas Learning Center projects is hereby awarded to Terracon Consultants, Inc.; and
3. The RJSCB Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute and deliver an Agreement to each firm named above in substantially the form included in the Request for Proposals, with such changes as the Chair may approve (his/her signature thereon being conclusive evidence of such approval) on the advice of the Program Manager and the RJSCB's general counsel.

**Second by Board Member Jones**  
**Approved 6-0 with Chairman Williams away**

**Resolution 2016-17: 199**  
**Phase 2b Environmental Monitoring and Testing Services Consultant Selection**

**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 (the "Amended Act"); and

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

WHEREAS, the RJSCB, upon the recommendation of its Program Manager, has determined a need for an Environmental Monitoring and Testing Services firm to provide services for the Monroe High School (Part B), Dr. Freddie Thomas Learning Center, School Without Walls, Martin B. Anderson School 15, and Edison Technical Campus projects (together the "2b projects") ; and

WHEREAS, the RJSCB issued a Request for Proposals ("RFP") for Environmental Monitoring and Testing Services for the Phase 2b projects (Resolution 2016-17: 167); and

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



WHEREAS, the RJSCB Chair, the Program Manager and Independent Compliance Officer (“ICO”) subsequently interviewed four of the respondent firms; and

WHEREAS, following the interviews, the RJSCB Chair, Program Manager and ICO identified LaBella Associates, D.P.C. as the best candidate for the Monroe Phase 2b, School Without Walls, and Dr. Freddie Thomas Learning Center projects based on its qualifications, experience, ability to meet the demands and staffing for the projects, and cost of services; and

WHEREAS, following the interviews, the RJSCB Chair, Program Manager and ICO identified Fisher Associates, D.P.C. as the best candidate for the Children’s School of Rochester (1/15) and Edison Educational Campus projects based on its qualifications, experience, ability to meet the demands and staffing for the projects, and cost of services; and

WHEREAS, the M/WBE and Services Procurement Committee (“Committee”) considered the recommendations from the Program Manager and ICO to award the contracts for Phase 2b Environmental Monitoring and Testing Services to LaBella Associates, D.P.C. and Fisher Associates, D.P.C. at its meeting on May 4, 2017, and, after due deliberation, it approved the recommendation.

THEREFORE, BE IT RESOLVED:

1. The contract for Environmental Monitoring and Testing Services for the Monroe Phase 2b, School Without Walls and Dr. Freddie Thomas Learning Center projects of Phase 2b of the Rochester Schools Modernization Program is hereby awarded to LaBella Associates, D.P.C.; and
2. The contract for Environmental Monitoring and Testing Services for the Children’s School of Rochester (1/15) and Edison Technology Campus projects is hereby awarded to Fisher Associates, D.P.C.; and
3. The RJSCB Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute and deliver an Agreement to each firm named above in substantially the form included in the Request for Proposals, with such changes as the Chair may approve (his/her signature thereon being conclusive evidence of such approval) on the advice of the Program Manager and the RJSCB’s general counsel.

**Second by Board Member Jones**  
**Approved 6-0 with Chairman Williams away**

**Resolution 2016-17: 200**  
**Construction Manager Selection – Clara Barton School 2 (Phase 2c)**

**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 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 Academy School 10; George Mather Forbes School 4; and Clara Barton School 2; 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 2c projects of the RSMP; and

WHEREAS, on April 11, 2017, the RJSCB issued a request for proposals (the "RFP") for construction management services for the Phase 2c Clara Barton School 2 project (Resolution 2016-17: 168); and

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

WHEREAS, the RJSCB Chair, the Program Manager and Independent Compliance Officer ("ICO") subsequently interviewed the four respondent firms; and

WHEREAS, at the M/WBE and Services Procurement Committee ("Committee") meeting held on May 4, 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 Clara Barton School 2 project.

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves The Pike Company to provide Construction Manager services for the Phase 2c Clara Barton School 2 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 by the RJSCB.

**Second by Board Member Jones  
Approved 6-0 with Chairman Williams away**

**Resolution 2016-17: 202  
Construction Manager Selection – Dag Hammarskjold School 6 (Phase 2c)**

**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 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 Academy School 10; George Mather Forbes School 4; and Clara Barton School 2; 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 2c projects of the RSMP; and

WHEREAS, on April 11, 2017, the RJSCB issued a request for proposals (the “RFP”) for construction management services for the Phase 2c Dag Hammarskjold School 6 project (Resolution 2016-17: 168); and

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

WHEREAS, the RJSCB Chair, the Program Manager and Independent Compliance Officer (“ICO”) subsequently interviewed the four respondent firms; and

WHEREAS, at the M/WBE and Services Procurement Committee (“Committee”) meeting held on May 4, 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 Dag Hammarskjold School 6 project.

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves LPCiminelli to provide Construction Manager services for the Phase 2c Dag Hammarskjold School 6 project; and
2. The RJSCB Chair 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 Program Manager and its general counsel, for approval by the RJSCB.

**Second by Board Member Jones  
Approved 6-0 with Chairman Williams away**

**Resolution 2016-17: 203  
Construction Manager Selection – Walter Cooper School 10 (Phase 2c)**

**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 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 Academy School 10; George Mather Forbes School 4; and Clara Barton School 2; 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 2c projects of the RSMP; and

WHEREAS, on April 11, 2017, the RJSCB issued a request for proposals (the "RFP") for construction management services for the Phase 2c Walter Cooper Academy School 10 project (Resolution 2016-17: 168); and

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

WHEREAS, the RJSCB Chair, the Program Manager and Independent Compliance Officer ("ICO") subsequently interviewed the four respondent firms; and

WHEREAS, at the M/WBE and Services Procurement Committee ("Committee") meeting held on May 4, 2017, after due deliberation by the Committee, LeChase Construction was identified as being highly qualified and fiscally responsive to the RJSCB's RFP for Construction Management services for the Walter Cooper Academy School 10 project.

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves LeChase Construction to provide Construction Manager services for the Phase 2c Walter Cooper Academy School 10 project; and
2. The RJSCB Chair 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 Program Manager and its general counsel, for approval by the RJSCB.

**Second by Board Member Jones  
Approved 6-0 with Chairman Williams away**

**Resolution 2016-17: 206  
Contract Award – Summer 2017 Move Services**

**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 Act authorized up to 13 projects in Phase I of the Rochester Schools Modernization Program ("RSMP"), which involves the relocations of several schools into temporary "swing" space in order for the schools to continue to operate and to be fully functional during construction; and

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

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

WHEREAS, the RJSCB authorized the release of request for bids ("Request for Bids") to obtain bids from moving services firms using an open public bid process at its regular meeting on April 10, 2017 (Resolution 2016-17: 175); and

WHEREAS, following RJSCB approval, the Program Manager advertised and released the bid documents for the moving services for summer 2017 in April 2017; and

WHEREAS, the Program Manager received one bid on April 28, 2017 per the deadline stipulated in the Request for Bids, and the bid was 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 sole bid, conducted de-scoping meeting of the lowest bidder and made assessments on the sufficiency of staffing for the moves, and concluded that Clark Moving & Storage is the lowest responsive and responsible bidder that is qualified and capable to perform the scope of work package and is also a qualified and responsible bidder; and

WHEREAS, at the MWBE and Services Procurement Committee (“Committee”) meeting held on May 4, 2017, following the review and consideration of the recommendations from the Program 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>
Summer 2017 Move Services	Clark Moving & Storage	3680 Buffalo Road Rochester, NY 14624	\$63,718.00

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the recommendation of the Program Manager and Move Management Consultant that a contract award shall be made to Clark Moving & Storage in the amount of \$63,718.00 to provide all equipment, labor, materials, and plant necessary to execute the scope of work associated with Martin B. Anderson School No. 1/15 moves in the summer of 2017; and
2. The RJSCB Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute and deliver a Purchase Order to Clark Moving & Storage in substantially the form included in the Request for Bids, with such changes as the Chair may approve (his/her signature thereon being conclusive evidence of such approval) on the advice of the Program Manager and the RJSCB’s general counsel.

**Second by Board Member Jones  
Approved 6-0 with Chairman Williams away**

**Resolution 2016-17: 207  
Change Orders #5 to 11 to Fibertech Environmental Services Contract - School 7 (Phase 2a)**

**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 RJSCB approved the award of the Asbestos Abatement and Demolition contract to Fibertech Environmental Services (“Fibertech”) for the Virgil I. Grissom School No. 7 (“School 7”) project at its regular meeting on January 17, 2017 (Resolution 2016-17: 109); and

WHEREAS, the RJSCB subsequently entered into a contract with Fibertech (Resolution 2016-17: 109) dated January 17, 2017 (the “Contract”), to perform the scope of services defined in the contract documents as the Asbestos Abatement and Demolition Contractor’s scope of work; and

WHEREAS, following the execution of the Contract, Fibertech, along with LeChase 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 #5 includes the following item:

1. 1 Day Extension of Contract Time	\$0.00
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The total amount of Change Order #5 is \$0.00; and

WHEREAS, Change Order #6 includes the following item:

1. Fireproofing Overspray Removals Rotunda Classroom Partition Dividers	\$9,780.00
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The total amount of Change Order #6 is \$9,780.00; and

WHEREAS, Change Order #7 includes the following item:

1. Property Damage Due to Windstorm – Repairs	\$2,119.00
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The total amount of Change Order #7 is \$2,119.00; and

WHEREAS, Change Order #8 includes the following item:

1. Exterior 3 <sup>rd</sup> Floor Soffits – Fireproofing Overspray Removal	\$25,893.00
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The total amount of Change Order #8 is \$25,893.00; and

WHEREAS, Change Order #9 includes the following item:

1. Remove Existing AHU Storage Rm. 228 to Access VAT	\$1,871.00
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The total amount of Change Order #9 is \$1,871.00; and

WHEREAS, Change Order #10 includes the following item:

1. 3 <sup>rd</sup> Floor Storage Rm. 303 Black Mastic Removal	\$1,626.00
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The total amount of Change Order #10 is \$1,626.00; and

WHEREAS, Change Order #11 includes the following item:

1. 2 <sup>nd</sup> Floor CMU Wall Removal Rm. 228	\$2,276.00
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The total amount of Change Order #11 is \$2,276.00; 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 be increased by one (1) work day for this additional work; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that Fibertech's Contract should be amended to add these scope items for a total net increase in the Contract Sum of \$43,565.00 and an extension of the Contract Time of one (1) work day; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its May 4, 2017 meeting and after due deliberation, it approved the request to amend the Contract.

THEREFORE, BE IT RESOLVED:

1. The proposed Change Orders to Fibertech Environmental Services' Contract between the Board and Contractor dated January 17, 2017 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 Jones**  
**Approved 6-0 with Chairman Williams away**

**Resolution 2016-17: 208**  
**Pay Requisition Summary Acceptance (April 2017)**

**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 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 \$682,424.08, 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 April 10, 2017; and

WHEREAS, the Program Manager forwarded the Phase 2 monthly Pay Requisition Summary (attached to this Resolution) totaling \$3,773,255.68, 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 April 10, 2017; and

WHEREAS, the RJSCB Chair approved the regular monthly Pay Requisition Summary and the Phase 2 monthly Pay Requisition Summary on April 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 May 4, 2017.

THEREFORE, BE IT RESOLVED:

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

**Second by Board Member Jones**  
**Approved 6-0 with Chairman Williams away**

**Resolution 2016-17: 209**  
**Approval of Closing Documents for Issuance of County of Monroe Industrial Development Agency School Facility Revenue Bonds (Rochester Schools Modernization Project), Series 2017**

**By Board Member Cruz**

WHEREAS, the New York State Industrial Development Agency Act, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the "Enabling Act") authorizes and provides for the creation of industrial development agencies in the several counties, cities, villages and towns in the State of New York (the "State"); and

WHEREAS, pursuant to and in accordance with the provisions of the Enabling Act, the County of Monroe Industrial Development Agency (the "Agency") was established by Chapter 55 of the 1972 Laws of New York, as amended (together with the Enabling Act, the "IDA Act"), for the benefit of the County of Monroe, New York (the "County") and the inhabitants thereof; and

WHEREAS, many of the public schools of the Rochester City School District (the "District") are in need of substantial improvement, renovation and reconstruction in order to improve the quality of education in the City of Rochester (the "City"); and

WHEREAS, the Rochester School Facilities Modernization Program Act constituting Chapter 416 of the 2007 Laws New York and Chapter 533 of the 2014 Laws of New York (collectively the "Rochester Schools Act") established



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

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

WHEREAS, pursuant to the Rochester Schools Act and a Cooperative Agreement among the District, the RJSCB and the City, executed on February 22, 2010, as amended on August 4, 2016 (the “Cooperative Agreement”), the RJSCB has developed a comprehensive school facilities modernization plan for Phase II (the “Phase II Master Plan”) and the State Comptroller has approved the Phase II Master Plan, all as contemplated by Section 5 of the Rochester Schools Act; and

WHEREAS, the RJSCB previously selected the 13 existing school building sites listed below for modernization in the Phase II Master Plan (the “Phase II Existing Site Facilities”):

1. James Monroe High School, 164 Alexander Street;
2. East High School, 1801 East Main Street;
3. Edison Technology Campus, 655 Colfax Street;
4. Freddie Thomas Learning Center, 625 Scio Street;
5. School Without Walls Commencement Academy, 480 Broadway Street;
6. Martin B. Anderson School No. 1, 85 Hillside Avenue;
7. Clara Barton School No. 2, 190 Reynolds Street;
8. George Mather Forbes School No. 4, 198 Dr. Samuel McCree Way;
9. 595 Upper Falls Boulevard (currently serves as temporary swing space for School No. 15);
10. Virgil I. Grissom School No. 7, 31 Bryan Street;
11. Dr. Walter Cooper Academy School No. 10, 353 Congress Avenue;
12. John Walton Spencer School No. 16, 321 Post Avenue;
13. The Flower City School No. 54, 36 Otis Street; and

WHEREAS, in addition to the Phase II Existing Sites Facilities, the City and the District have acquired or may acquire additional ancillary real property for purposes of facilitating the modernization of the Phase II Existing Sites Facilities pursuant to the Phase II Master Plan and to facilitate their subsequent use as school buildings (such real property, together with the Phase II Existing Sites Facilities, the “Phase II Facilities”); and

WHEREAS, the RJSCB has presented the plans and specifications for the modernization and improvement of the Phase II Facilities in accordance with the Phase II Master Plan, including the implementation of the District-wide technology project at such facilities (the “Phase II Project”) to the Commissioner of Education of the State (the “Commissioner”) for approval as contemplated by Section 6 of the Rochester Schools Act; and

WHEREAS, the Phase II Project collectively constitutes a “project” within the meaning of the IDA Act by reason of Section 16 of the Rochester Schools Act; and

WHEREAS, the RJSCB, exercising its properly authorized powers conferred upon it for such purposes by the Rochester Schools Act, has selected Savin Engineers, P.C. a New York professional corporation, as its independent program manager under Section 10 of the Rochester Schools Act (the “Program Manager”) to implement the Phase II Master Plan for the Phase II Project, and the Program Manager and the RJSCB (acting for itself and as agent for the District and the City) have entered into a Program Management Agreement effective as of December 15, 2015 (the “Program Management Agreement”); and

WHEREAS, the RJSCB declared its intent to serve as State Environmental Quality Review Act (“SEQRA”) Lead Agency for the Phase II Master Plan on February 8, 2016 (Resolution 2015-16:95), and subsequently confirmed its Lead Agency status on March 7, 2016 (Resolution 2015-16:123); and

WHEREAS, after having reviewed the completed long-form Environmental Assessment Forms for the Phase II Project, the RJSCB formally issued a Negative Declaration to all interested and involved parties on June 20, 2016 (Resolution 2015-16:190); and

WHEREAS, to accomplish the purposes of the IDA Act, the Agency, in response to an application from the RJSCB requesting Agency financing for the Phase II Project, adopted a resolution on December 6, 2016 authorizing the issuance of up to \$435,000,000 of bonds; and

WHEREAS, the Agency previously issued its School Facility Revenue Bonds (Rochester Schools Modernization Project) on behalf of the City, the District and the RJSCB for the Phase I projects authorized under the Rochester Schools Act (the "Phase I Bonds"), pursuant to an Amended and Restated Indenture of Trust (the "Amended and Restated Indenture") dated as of February 1, 2015, between the Agency and U.S. Bank National Association, as trustee (the "Trustee"); and

WHEREAS, the Agency will authorize the issuance of the Agency's School Facility Revenue Bonds (Rochester Schools Modernization Project), Series 2017 (the "Series 2017 Bonds"), to effect the financing of the portion of the costs of the Phase II Project that has received the approval of the New York State Education Department and a portion of the costs of the planning and design of the remaining portion of the Phase II Project (collectively, the "Series 2017 Project"), incidental and related costs therefor and costs of issuance of the Series 2017 Bonds, pursuant to a resolution of the Agency, the Amended and Restated Indenture of Trust and the Third Supplemental Indenture of Trust (the "Third Supplemental Indenture"), each between the Agency and U.S. Bank National Association, as Trustee; and

WHEREAS, the District and the City have leased, pursuant to a ground lease dated as of June 1, 2012, and which is to be amended and restated as of July 1, 2017 (the "Amended and Restated Ground Lease"), the Phase II Facilities and certain additional property described in the Amended and Restated Ground Lease (collectively, the "Ground Lease Facilities") to the Agency; and

WHEREAS, the District and the City have subleased the Ground Lease Facilities from the Agency, pursuant to a Sublease Agreement dated June 1, 2012, as amended and restated on June 1, 2013, February 1, 2015, and which is to be further amended and restated as of July 1, 2017 (the "Amended and Restated Sublease Agreement"); and

WHEREAS, payments to be made by the District under the Amended and Restated Sublease Agreement are expected to be sufficient to pay the principal and interest on the Phase I Bonds and the Series 2017 Bonds (collectively, the "Bonds"); and

WHEREAS, the District and the City have entered into a State Aid Trust Agreement dated as of June 1, 2012, as amended and restated as of February 1, 2015, and to be further amended and restated as of July 1, 2017 (the "Amended and Restated State Aid Trust Agreement"), with U.S. Bank National Association, as depository bank (the Depository Bank), to provide for, among other things, the payment of all State Aid Revenues (as defined therein) into the State Aid Depository Fund (as defined therein) maintained with the Depository Bank for periodic transfer to the Bond Fund (as defined in the Amended and Restated Indenture) toward payment of the Bonds, and the balance to the General Fund (as defined therein); and

WHEREAS, such State Aid Revenues deposited to the Bond Fund shall be credited against Sublease Payments otherwise payable by the District under the Amended and Restated Sublease Agreement; and

WHEREAS, it is expected that the proceeds of the Series 2017 Bonds will be used to (i) repay the principal of and a portion of the interest due on the \$32,000,000 Bond Anticipation Notes, 2017 Series I, issued by the City to provide short-term funding for a portion of the Series 2017 Project, (ii) finance the remaining cost of the Series 2017 Project, (iii) fund capitalized interest for the Series 2017 Bonds, and (iv) finance costs of issuance of the Series 2017 Bonds; and

WHEREAS, the Series 2017 Bonds will be marketed pursuant to a Preliminary Official Statement and an Official Statement, each containing certain information relating to the Agency, the District, the City and the RJSCB, and will be sold pursuant to a contract of purchase; and

WHEREAS, the respective counsels to the Agency, the City, the District, the RJSCB, Citigroup Global Markets Inc., as representative of the Underwriters (the "Underwriter"), the Depository Bank, and the Trustee, have prepared or reviewed the following documents relating to the issuance of the Series 2017 Bonds (collectively, the "Transaction Documents"):

1. Third Supplemental Indenture between the Agency and the Trustee;
2. Amended and Restated Ground Lease between the Agency, the District and the City;
3. Amended and Restated Sublease Agreement between the Agency, as sublessor, and the City and the District, as sublessees;
4. Tax Certificate with respect to the Series 2017 Bonds between the Agency, the City and the District;
5. Amended and Restated State Aid Trust Agreement between the District, the City, the Depository Bank and the Trustee;
6. Preliminary Official Statement and an Official Statement of the Agency and the District prepared in connection with the offering of the Series 2017 Bonds;
7. Purchase Contract between the Underwriter, the Agency and the District;
8. Continuing Disclosure Agreement between the District and the Series Trustee; and

WHEREAS, the Agency is expected to adopt a resolution authorizing the issuance by the Agency of the Series 2017 Bonds, the execution and delivery of the Transaction Documents to which the Agency is a party, and the approval of all other Transaction Documents; and

WHEREAS, the District has adopted a resolution at the Board of Education meeting on April 27, 2017 authorizing the issuance by the Agency of the Series 2017 Bonds, the execution and delivery of the Transaction Documents to which the District is a party, and the approval of all other Transaction Documents; and

WHEREAS, the City is expected to adopt a resolution authorizing the issuance by the Agency of the Series 2017 Bonds, the execution and delivery of the Transaction Documents to which the City is a party, and the approval of all other Transaction Documents; and

WHEREAS, the Rochester Schools Act requires the RJSCB and the District to compare the financing available for the Rochester Schools Modernization Project through the Agency with the financing available through the Dormitory Authority of the State of New York ("DASNY") and employ the financing mechanism that will result in the lowest cost to taxpayers of the City and State.

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby ratifies and confirms that the RJSCB, acting on behalf of the District and the City, has filed an application with the Agency, requesting the Agency to provide financing for the Series 2017 Project.
2. In order to finance the costs of the Series 2017 Project, the RJSCB hereby approves the issuance by the Agency of the Series 2017 Bonds in an amount not to exceed \$150,000,000.
3. The RJSCB hereby ratifies and confirms that the RJSCB, acting on behalf of the District and the City, has compared or will compare prior to closing the financing available for the Rochester Schools Modernization Project through the Agency with financing through DASNY and has determined, or will determine prior to closing, that financing through the Agency will result in the lowest cost to the taxpayers of the City and State.
4. The RJSCB acknowledges that the President of the Board of Education of the District and in his absence his appointed designees (individually and collectively, the "District's Authorized Officer"), is expected to be authorized on behalf of the District to approve, execute and deliver documents necessary to facilitate the financing of the Series 2017 Project, including without limitation the Transaction Documents to which the District is a party, draft forms of which have been provided to the RJSCB and the final forms of which shall be approved by the Executive Director, Chair, or Vice Chair, all of which are expected to be approved by the Board of Education of the District.
5. The RJSCB acknowledges that (i) pursuant to the Rochester Schools Act and the Cooperative Agreement, the RJSCB will serve as the City's and the District's agent with respect to the Phase II Project, and (ii)

pursuant to the Transaction Documents, the RJSCB will serve as an authorized representative of the District with respect to certain obligations and responsibilities of the District in connection with the Phase II Project and the Series 2017 Bonds, as further described in the Transaction Documents.

6. Each of the Chair, Vice Chair, and Executive Director of the RJSCB is hereby authorized on behalf of the RJSCB to enter into such agreements and execute such certificates and documents as may be appropriate to facilitate the issuance of the Series 2017 Bonds.
7. The RJSCB affirms that it will continue to act as SEQRA Lead Agency.
8. Citigroup Global Markets Inc., as representative of the Underwriters, is authorized to utilize information about the RJSCB and the Program Manager in connection with the distribution of the Preliminary Official Statement and final Official Statement with respect to the offering and sale of the Series 2017 Bonds, the forms of which shall be approved by the Executive Director, Chair, or Vice Chair.
9. This Resolution shall take effect immediately.

**Second by Board Member Jones**

**Approved 6-0 with Chairman Williams away**

### **Action Items**

**Resolution 2016-17: 201 (Resolution tabled)**

**Resolution 2016-17: 204 (Resolution tabled)**

**Resolution 2016-17: 205 (Resolution tabled)**

### **Communications**

**The Phase 2 Monthly Report is included in the Member's packets and was reviewed by Program Manager Pépin Accilien.**

– Monroe: Phase 2a – Interior finishing continues. Phase 2b – Early Demo/Abatement package (School 15 & Cafeteria) is pending SED approval and award.

– East: Swing Space candidates identified (DFTLC and Marshall per the Strategic Plan).

– School 7: Demolition and Abatement is wrapping up with Fibertech. The main project is pending SED approval and award.

– School 16: Demolition and Abatement is starting - Mark Cerrone has mobilized.

– School 1/15: The Demolition and Abatement package's bid opening is May 17, 2017.

– SWW: Going out to bid shortly, and anticipate awarding bids June 2017.

– DFTLC: The package for the summer 2017 work's bid opening is May 15, 2017

– Edison: Going out to bid shortly for the summer 2017 work package, and anticipate awarding bids June 2017.

– Procurement Status:

- Phase 2b awards this meeting: Materials Testing, Environmental Testing, and Site Security.
- Phase 2c awards this meeting: Construction Management Services.
- Other awards this meeting: Moving Services for summer 2017 (School 1/15).

– BOP:

- Instructional Series: This session is winding down with the completion ceremony July 19, 2017.
- Community Outreach: A Networking Event is scheduled for June 28, 2017. The spring newsletter has been issued and the program website is now live.
- Mentor-Protégé: Evaluations have been received from active pairings and the team is reviewing the feedback for implementation. The period of performance for the last pairings will end October 2017.

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

**Phase 1:**

- 87.50% submissions for the March 2017 reporting period.
- 98.03% of all data requested has been received and approved (April 2011 through March 2017).
- 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 @ 7.40% (goal is 5%), Disadvantaged @ 2.33% (goal is 2%) and Small @ 3.75% (goal is 5%).
- Rochester Residents: 13 of the 42 workers for the March 2017 reporting period (or 30.95%). The average Rochester Resident workforce (construction) from inception (April 2011 through March 2017) is 27.47%.

**Phase 2:**

- 89.83% of all data requested has been received and approved (January 2016 through March 2017).
- Overall Workforce (EEO) Participation: Minority @ 44.77% (goal is 22%) and Women @ 8.83% (goal is 8%).
- Overall Business Participation: Minority @ 41.14% (goal is 17%), Women @ 16.09% (goal is 10%), Disadvantaged @ 1.05% (goal is 3%) and Small @ 1.15% (goal is 3%).
- Rochester Residents: 66 of the 215 workers for the March 2017 reporting period (or 30.70%).

**The Phase 1 Budge Report is included in the Member's packets and was reviewed at the Finance Committee Meeting May 4, 2017.**

**The Phase 2 Budge Report is included in the Member's packets and was reviewed at the Finance Committee Meeting May 4, 2017.**

**The M/WBE and Services Procurement Committee Report for May 4, 2017 is included in the Members packets.**

**The Finance Committee Report for May 4, 2017 is included in the Members packets.**

**The June 2017 Monthly Meeting will be moved from Monday, June 5, 2017 to Wednesday, June 7, 2017.**

**Adjournment**

**Approved at 6:06 pm**

Motion by Member Benincasa

Second by Member Cruz

Approved 6-0 with Chairman Williams away