

Rochester Joint Schools Construction Board
Minutes
June 7, 2017
4:30 PM

Present

Chairman Allen Williams, Charles Benincasa (arrived at 4:37 pm), Bob Brown, I. Geena Cruz (arrived at 4:44pm, left at 5:57pm), Norman Jones, and ICO Brian Sanvidge. Vice Chair Michael Schmidt and Thomas Richards were away. Also present: General Counsel Greg McDonald and Edward Hourihan and Program Managers Pépin Accilien and Roland Coleman from Savin.

Chairman Williams convened the meeting at 4:35 pm.

Approval of Minutes

Monthly Meeting held on May 8, 2017

Motion by Member Brown

Second by Member Jones

Approved 5-0 with Vice Chair Schmidt and Member Richards away

Special Meeting held on May 16, 2017

Motion by Member Brown

Second by Member Jones

Approved 5-0 with Vice Chair Schmidt and Member Richards away

Special Meeting held on May 25, 2017

Motion by Member Brown

Second by Member Jones

Approved 5-0 with Vice Chair Schmidt and Member Richards away

Consent Agenda Items

Resolution 2016-17: 214

Amendment #5 to SJB Services, Inc. Contract (1b and 1c Projects)

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 Program Manager recommended to the RJSCB that it engage the services of a Special Inspection and Testing Agent as a third party inspector during construction of the Phase 1 projects; and

WHEREAS, the RJSCB issued a Request For Proposals ("RFP") for special inspection and materials testing services on April 9, 2012 (Resolution 2011-12: 92) which included work at the first five projects in Phase 1a (School 17, School 50, School 58, Charlotte High School and Franklin Educational Campus); and

WHEREAS, the RJSCB, at its monthly meeting on June 10, 2013 (Resolution 2012-13: 195), approved the selection of SJB Services, Inc. ("SJB") for special inspection and materials testing services for School 5, School 28, East High School, and Edison Technology Campus, and the parties thereafter entered into an Agreement between the RJSCB and SJB dated June 28, 2013 (the "Agreement"); and

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

WHEREAS, the RJSCB has previously extended the services of SJB to include work at School 12 and the Monroe High School Phase 1 projects; and

WHEREAS, the RJSCB now wishes to extend the services of SJB to include work at the School 50/Maynard's Abatement and Demolition project in Phase 1; and

WHEREAS, Program Manager has now requested that additional services be provided by SJB for the School 50/Maynard's project, and SJB has agreed to provide said services in accordance with the terms and conditions of the Agreement; and

WHEREAS, the cost of the requested additional services will not increase the contract value in the Agreement between the RJSCB and SJB; and

WHEREAS, these additional services will be utilized and tracked on a time and materials basis as necessary; and

WHEREAS, based on the advice and recommendation of the Program Manager, at its June 1, 2017 meeting, the MWBE and Services Procurement Committee (the "Committee") considered and discussed the proposal to extend the SJB Agreement to include work at School 50/Maynard's project in Phase 1 of the RSMP and, after due deliberation, the Committee approved the request to amend the Agreement.

THEREFORE, BE IT RESOLVED:

1. The proposed amendment to the Agreement Between Board and SJB Services Inc. dated June 28, 2013, as set forth above is hereby approved; and
2. The RJSCB's Chair is authorized, in the name and on behalf of the RJSCB, to execute an amendment to the SJB Services Inc. 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 5-0 with Vice Chair Schmidt and Member Richards away

Resolution 2016-17: 215

Amendment #13 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 a cost proposal was obtained and reviewed, for additional scope of services for environmental monitoring for asbestos abatement at the former Maynard's Building at 1776 North Clinton Avenue; 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 services in the total amount of \$55,000.00 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 June 1, 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 \$55,000.00; and
2. The RJSCB's Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute an amendment to the Agreement that is consistent with this approval and in an acceptable form to the Chair upon the advice of the RJSCB's general counsel.

**Second by Board Member Cruz
Approved 5-0 with Vice Chair Schmidt and Member Richards away**

**Resolution 2016-17: 216
Amendment #4 to Savin Engineers P.C. Program Manager Agreement (Phase 2)**

By Board Member Brown

WHEREAS, the Rochester School Facilities Modernization Program Act ("School Modernization Act") established the Rochester Joint Schools Construction Board ("RJSCB" or the "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 "Program") 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 District Wide Technology improvements which involve technology upgrades and infrastructure work at several of the possible projects; and

WHEREAS, the RJSCB selected Savin Engineers P.C. ("Program Manager") to provide Program Management services to the Board for Phase 2 of the RSMP in October of 2015 (Resolution 2015-16: 55); and

WHEREAS, the RJSCB entered into an agreement with the Program Manager dated December 15, 2015, entitled Program Manager Agreement (the "Agreement"); and

WHEREAS, the Agreement was amended to provide that the rent and additional rent for the 70 Carlson Road Program Office premises (the "Program Office") and the 68 Nassau Street Warehouse premises (the "Warehouse") are reimbursable expenses to the Program Manager (Resolution 2016-17: 131); and

WHEREAS, the RJSCB and Program Manager desire to further amend the Agreement to provide for (1) a 10% markup for coordination and administration of the Program Office and Warehouse by the Program Manager, including the buildout and routine maintenance, but exclusive of rent and additional rent for the Program Office and Warehouse, and (2) a credit in the amount of \$2,468 to the Board under the Agreement; and

WHEREAS, the proposed amendment to the Agreement was discussed at the MWBE and Services Procurement Committee Meeting (“Committee”) on June 1, 2017, and after due deliberation, the Committee approved the request to amend the Agreement;

THEREFORE, BE IT RESOLVED:

1. The proposed amendment to the Program Manager Agreement, dated December 15, 2015, as set forth above is hereby approved; and
2. The RJSCB’s Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute an amendment to the Program Manager 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 5-0 with Vice Chair Schmidt and Member Richards away**

**Resolution 2016-17: 217
Amendment #1 to LaBella Associates, D.P.C. Environmental Monitoring Services Agreement (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 (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 Program Manager has recommended to the RJSCB that it engage the services of an Environmental Monitoring Agent as a third party inspector during construction of the Phase 2 projects; and

WHEREAS, the RJSCB issued a Request for Proposals (“RFP”) for Environmental Monitoring Agent Services (Resolution 2016 – 2017: 30), which included work at the first projects in Phase 2a; and

WHEREAS, the RJSCB approved the selection of LaBella Associates, D.P.C. (“LaBella”) as the Environmental Monitoring Agent for the School 16, James Monroe High School and the East Campus in Phase 2a of the RSMP (Resolution 2016-17: 47); and

WHEREAS, the RJSCB entered into an agreement with LaBella (Resolution 2016-17: 47) dated September 12, 2017, entitled Agreement Between Board and Consultant (the “Agreement”); and

WHEREAS, following the execution of the Agreement, the Program Manager requested, and cost proposals were then obtained and reviewed, for additional environmental monitoring services at the Monroe High School 2a project; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB’s MWBE and Services Procurement Committee (the “Committee”) that LaBella’s Agreement should be amended to adjust the original not-to-exceed allowance and add additional scope items in the total amount of \$25,000.00 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 June 1, 2017 meeting, and after due deliberation, it approved the request to amend the Agreement as set forth above.

THEREFORE, BE IT RESOLVED:

1. The proposed amendment to the Agreement between Board and Consultant 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 LaBella 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 5-0 with Vice Chair Schmidt and Member Richards away

Resolution 2016-17: 218

Authorization to Bid Multiple Prime Contracts – Monroe High School (Phase 2b) Main Project

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 Monroe High School ("Monroe 2b") 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 Monroe 2b Architect and Construction Manager to prepare requests for bids for the multiple prime contract project work; and

WHEREAS, the Program Manager recommended to the MWBE and Services Procurement Committee (the "Committee") that the RJSCB authorize the release of the multiple prime contract project work bidding documents for the Monroe 2b project; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its June 1, 2017 meeting, and after due deliberation, the Committee approved the request to release the multiple prime contract project work bidding documents for the Monroe 2b project.

THEREFORE, BE IT RESOLVED:

1. The RJSCB, through its Program Manager, shall proceed with the issuance of a Request for Bids for the Monroe 2b multiple prime contract project work in order to maintain the overall project schedule; 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 Cruz

Approved 5-0 with Vice Chair Schmidt and Member Richards away

Resolution 2016-17: 219

School 7 (Part B) Environmental Project & Indoor Air Quality Monitoring/Sampling 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 (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 Environmental Monitoring and Testing Services firm to provide services for the Virgil Grissom School 7 (Part B) project (the "School 7 (Part B) project"); and

WHEREAS, the RFP is limited to the School 7 (Part B) project; and

WHEREAS, the RJSCB's Program Manager has prepared a request for proposals (an "RFP") for an Environmental Monitoring and Testing Services firm that requires the responding firms to set forth their fee proposals for hourly rates and laboratory testing for a specific scope of work related to the School 7 (Part B) project; and

WHEREAS, the MWBE and Services Procurement Committee reviewed and discussed the RFP for Environmental Monitoring and Testing Services at its meeting on June 1, 2017, and after due deliberation, it approved the RFP for issuance.

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the RFP for the School 7 (Part B) project Environmental Monitoring and Testing Services and authorizes the Program Manager to issue the RFP on June 8, 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 RFP responses, select finalists, conduct interviews of the finalists along with other RJSCB board members, and recommend to the RJSCB the most qualified candidate.

Second by Board Member Cruz

Approved 5-0 with Vice Chair Schmidt and Member Richards away

Resolution 2016-17: 220

Change Order #19 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 #19 includes the following items:

1. Remove ACM caulk in Elevator No. 3	\$12,401.00
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The Total amount of Change Order #19 is \$12,401.00; 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 Manning Squires' Contract should be amended to add this scope item for an increase in the Contract Sum of \$12,401.00; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its June 1, 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 5-0 with Vice Chair Schmidt and Member Richards away

Resolution 2016-17: 221

RJSCB Monthly Meeting Schedule Fiscal Year 2017-18

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 RJSCB has identified dates for the 2017-18 Fiscal Year Meeting Schedule (listed below) at its monthly meeting held on June 7, 2017 as follows:

MWBE and Services Procurement Meeting Finance Committee Meeting Meetings take place at 1776 N Clinton Ave 7:30am, 9:00am	Monthly Board Meeting Meetings take place at 1776 N Clinton Ave 4:30pm
July 13, 2017	July 17, 2017
August 3, 2017	August 7, 2017
September 7, 2017	September 11, 2017
October 12, 2017	October 16, 2017
November 9, 2017	November 13, 2017
December 7, 2017	December 11, 2017
January 4, 2018	January 8, 2018
February 1, 2018	February 5, 2018
March 1, 2018	March 5, 2018
April 5, 2018	April 9, 2018
May 3, 2018	May 7, 2018
May 31, 2018 (June)	June 4, 2018

THEREFORE, BE IT RESOLVED:

1. The Rochester Joint Schools Construction Board hereby approves the meeting schedule set forth above for the Fiscal Year 2017-18.

Second by Board Member Cruz
Approved 5-0 with Vice Chair Schmidt and Member Richards away

Resolution 2016-17: 222
RJSCB Annual Report FY2016-17

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 RJSCB, under Section 21 of the Act, is required to submit an annual report to the Governor of the State of New York, the State Comptroller, the Commissioner of the State Education Department, the President of

the Senate, the Speaker of the Assembly, the City of Rochester, the City council and the City school district noting the progress and status of the projects undertaken by the RJSCB.

THEREFORE, BE IT RESOLVED:

1. The FY2016-17 Annual Report of the RJSCB is hereby accepted pending final edits and corrections to be made by the Chair, with a final version to be circulated to the full Board prior to distribution on or before June 30, 2017.

Second by Board Member Cruz

Approved 5-0 with Vice Chair Schmidt and Member Richards away

Resolution 2016-17: 223

Pay Requisition Summary Acceptance (May 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 \$1,343,916.85, 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 May 10, 2017; and

WHEREAS, the Program Manager forwarded the Phase 2 monthly Pay Requisition Summary (attached to this Resolution) totaling \$4,144,079.44, 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 May 10, 2017; and

WHEREAS, the RJSCB Chair approved the regular monthly Pay Requisition Summary and the Phase 2 monthly Pay Requisition Summary on May 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 June 1, 2017.

THEREFORE, BE IT RESOLVED:

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

Second by Board Member Cruz

Approved 5-0 with Vice Chair Schmidt and Member Richards away

Action Items

Resolution 2016-17: 224

Contract Award – General Construction, Mechanical, Electrical and Plumbing – Dr. Freddie Thomas Learning Center (Phase 2b)

By Board Member Brown

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

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

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

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

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

WHEREAS, the Dr. Freddie Thomas Learning Center ("DFTLC") is one of the projects included in Phase 2b of the RSMP as provided in the Phase 2 Master Plan; and

WHEREAS, Phase 2b of the RSMP includes general construction, mechanical, plumbing and electrical work at DFTLC; and

WHEREAS, the Program Manager worked with the DFTLC Architect and Construction Manager to prepare requests for bids for general construction, mechanical, electrical and plumbing bidding documents package; and

WHEREAS, the RJSCB authorized the release of the general construction, mechanical, plumbing and electrical work package at its regular meeting on April 10, 2017 (Resolution 2016-17: 184); and

WHEREAS, the Program Manager received bids on May 15, 2017 per the deadline stipulated in the Request for Bids for the DFTLC project, and those bids were subsequently publicly opened and read aloud at the location stated in the Request for Bids; and

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

WHEREAS, on June 1, 2017, the Program Manager, ICO and Construction Manager provided their award recommendations regarding the general construction, mechanical, electrical and plumbing work contracts for DFTLC project to the RJSCB's MWBE and Services Procurement Committee (the "Committee") meeting; and

WHEREAS, at its June 1, 2017 meeting, the Committee considered and discussed the recommended awards and, after due deliberation, the Committee, contingent on approval of the DFTLC project from the New York State Education Department, approved the contract awards as follows:

Scope of Work	Name of Contractor	Address	Bid Amount
General	Steve General Contractors, Inc.	3774 Telephone Road Caledonia, NY 14423	\$283,000.00
Mechanical	John W. Danforth Company	930 Old Dutch Road Victor, NY 14564	\$62,400.00
Electrical	Billitier Electric, Inc.	760 Brooks Avenue Rochester, NY 14619	\$49,200.00
Plumbing	Michael A. Ferrauilo Plumbing & Heating, Inc.	1600 Jay Street Rochester, NY 14611	\$27,660.00

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the above-stated recommendations that the contract awards shall be made to the above named firms and bid amounts to provide all equipment, labor, materials, and plant necessary to execute the general construction, mechanical, electrical and plumbing scopes of work associated with the DFTLC project contingent upon approval by the New York State Education Department; and
2. The RJSCB Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute and deliver an Agreement to the firms named above in substantially the form included in the Request for Bids for the DFTLC project, with such changes as the Chair may approve (his/her signature thereon being conclusive evidence of such approval) on the advice of the Program Manager and the RJSCB's general counsel.

Second by Board Member Jones

Approved 5-0 with Vice Chair Schmidt and Member Richards away

Resolution 2016-17: 225

Contract Award – Demolition and Abatement – Children’s School of Rochester Phase 2b

By Board Member Brown

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

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

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

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

WHEREAS, 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 Rochester Children’s School – School No. 1/15 (“School 1/15”) is one of the projects included in Phase 2b of the RSMP as provided in the Phase 2 Master Plan; and

WHEREAS, the Program Manager worked with the School 1/15 Architect and Construction Manager to prepare requests for bids for the Demolition and Abatement contract for the School 1/15 project; and

WHEREAS, the RJSCB authorized the release of the Demolition and Abatement package at its regular meeting on April 10, 2017 (Resolution 2016-17: 169); and

WHEREAS, the Program Manager received bids on May 31, 2017 per the deadline stipulated in the Request for Bids for the Demolition and Abatement package for School 1/15 project, and those bids were subsequently opened and read aloud at the location stated in the Request for Bids;

WHEREAS, the Program Manager, the Architect, Construction Manager and ICO have reviewed the bids, conducted de-scoping meetings of the lowest bidder and determined that Mark Cerrone, Inc. is the lowest responsive and responsible bidder that is qualified and capable to perform the scope of work package for the Phase 2b School 1/15 Demolition and Abatement project; and

WHEREAS, on June 2, 2017, the Program Manager provided its award recommendation regarding the Demolition and Abatement work for the Phase 2b School 1/15 project to the RJSCB; and

WHEREAS, at the RJSCB regular meeting held on June 7, 2017, following the review and consideration of the recommendations from the Program Manager, Construction Manager and ICO, and after due deliberation by the RJSCB, contingent on approval of the project from the New York State Education Department, approved the contract awards as follows:

<u>Scope of Work</u>	<u>Name of Contractor</u>	<u>Address</u>	<u>Bid Amount</u>
Demolition and Abatement	Mark Cerrone, Inc.	2368 Maryland Avenue Niagara Falls, NY 14305	\$1,577,000.00

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the above-stated recommendation and awards the contract to Mark Cerrone, Inc. in the amount of \$1,577,000.00 to provide all equipment, labor, materials, and plant necessary to execute the Demolition and Abatement scope of work associated with the Phase 2b School 1/15 project contingent upon approval by the New York State Education Department; and
2. The RJSCB Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute and deliver an Agreement to Mark Cerrone, Inc. in substantially the form included in the Request for Bids for the Phase 2b School 1/15 project, with such changes as the Chair may approve (his/her signature thereon being conclusive evidence of such approval) on the advice of the Program Manager and the RJSCB's general counsel.

Second by Board Member Cruz

Approved 5-0 with Vice Chair Schmidt and Member Richards away

Resolution 2016-17: 226

Amendment #3 to MEH Consulting, LLC Agreement – Virgil I. Grissom School No. 7 (Phase 2a)

By Board Member Jones

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 (“RFP”) for Environmental Monitoring Agent Services (Resolution 2016 – 2017: 30), which included work at the first projects in Phase 2a; and

WHEREAS, the RJSCB approved the selection of ME Holvey Consulting, LLC (“MEH”) as the Environmental Monitoring Agent for the Virgil I. Grissom School No. 7 (“School 7”) project in Phase 2a (Resolution 2016-17: 47); and

WHEREAS, the RJSCB entered into an agreement with MEH (Resolution 2016-17: 47) dated September 12, 2017, entitled Agreement Between Board and Consultant (the “Agreement”); and

WHEREAS, following the completion of the environmental monitoring for Part A of the abatement and demolition work performed by the School 7 abatement/demolition contractor, the Program Manager assessed the monitoring needs for Part B of the School 7 project and determined to issue a request for proposal for such services; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB that a request for proposal should be issued for the Part B monitoring services at School 7 and that the Agreement should be amended to shorten the term of the Agreement to June 8, 2017; and

WHEREAS, the Board considered and discussed the Program Manager’s recommendation at its June 7, 2017 meeting, and after due deliberation, it approved the recommendation to amend the Agreement so as to shorten the term of the Agreement to June 8, 2017.

THEREFORE, BE IT RESOLVED:

1. The proposed amendment to the Agreement between the Board and Consultant 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 Agreement that is consistent with this approval and in an acceptable form to the Chair upon the advice of the RJSCB’s general counsel.

**Second by Board Member Brown
Approved 5-0 with Vice Chair Schmidt and Member Richards away**

**Resolution 2016-17: 227
Phase 2 Project Insurance Requirements**

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, with the advice of its general counsel, the Program Manager, and the District’s general counsel and insurance agent, established certain insurance requirements and coverage limits (“Insurance Requirements”) that needed to be obtained by the prime contractors and subcontractors working on the Phase 2 of the Rochester Schools Modernization Program (the “Phase 2 projects”); and

WHEREAS, with the advice of the RJSCB’s insurance review consultant, the RJSCB’s general counsel, and the Program Manager, the RJSCB now wishes to modify the Insurance Requirements in order to delineate the responsibilities among the Board and its prime contractors concerning verification of subcontractor insurance

requirements and to otherwise clarify and specify the applicable insurance requirements for the Phase 2 projects; and

WHEREAS, consistent with these wishes, the RJSCB has drafted proposed revisions to the Insurance Requirements, a copy of which is attached to this resolution; and

WHEREAS, the Board considered and discussed the revised Insurance Requirements at its June 7, 2017 meeting, and after due deliberation, it approved the revisions.

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves and adopts in all respects the revised Insurance Requirements in the form attached hereto.

**Second by Board Member Benincasa
Approved 5-0 with Vice Chair Schmidt and Member Richards away**

Communications

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.

Phase 1:

- 89.19% submissions for the April 2017 reporting period.
- 98.01% of all data requested has been received and approved (April 2011 through April 2017).
- Overall Workforce (EEO) Participation: Minority @ 22.81% (goal is 20%) and Women @ 7.24% (goal is 6.9%).
- Overall Business Participation: Minority @ 15.72% (goal is 15%), Women @ 7.41% (goal is 5%), Disadvantaged @ 2.32% (goal is 2%) and Small @ 3.75% (goal is 5%).
- Rochester Residents: 12 of the 43 workers for the April 2017 reporting period (or 27.91%). The average Rochester Resident workforce (construction) from inception (April 2011 through April 2017) is 27.39%.

Phase 2:

- 93.67% of all data requested has been received and approved (January 2016 through April 2017).
- Overall Workforce (EEO) Participation: Minority @ 43.21% (goal is 22%) and Women @ 10.57% (goal is 8%).
- Overall Business Participation: Minority @ 42.77% (goal is 17%), Women @ 15.43% (goal is 10%), Disadvantaged @ 1% (goal is 3%) and Small @ 2.6% (goal is 3%).
- Rochester Residents: 74 of the 250 workers for the April 2017 reporting period (or 29.6%).
- A presentation of the hourly breakdowns by gender and ethnicity for professional services was reviewed and included the following slides: Construction Management, Architectural, Diversity Compliance, Engineering, Security Guard, and Move Management. The data is included in the Exhibits of the Monthly Compliance Report.

The M/WBE and Services Procurement Committee Report for June 1, 2017 is included in the Members packets.

The Finance Committee Report for June 1, 2017 is included in the Members packets.

Executive Session

Approved at 5:22 pm

Chairman Williams called for an Executive Session pursuant to Open Meetings Law Article 7, Section 105.1 (f).

Motion by Member Benincasa

Second by Member Cruz

Approved 5-0 with Vice Chair Schmidt and Member Richards away

The Board came out of Executive Session at 6:16 pm

Motion by Member Brown

Second by Member Jones

Approved 4-0 with Vice Chair Schmidt and Members Cruz and Richards away

Adjournment

Approved at 6:18 pm

Motion by Member Benincasa

Second by Member Brown

Approved 4-0 with Vice Chair Schmidt and Members Cruz and Richards away