

Rochester Joint Schools Construction Board

Minutes

July 17, 2017

4:30 PM

Present

Chairman Allen Williams, Vice Chair Michael Schmidt, Charles Benincasa, Bob Brown, I. Geena Cruz (arrived at 4:38pm), Norman Jones, Thomas Richards, and ICO Brian Sanvidge. Also present: General Counsel Edward Hourihan; Savin Program Directors Pépin Accilien and Roland Coleman.

Chairman Williams convened the meeting at 4:35 pm.

Presentations

Edison Educational Campus

Michael Short, LaBella Associates, gave a final overview of the proposed work for the main project (initial presentation to the Board at their June 29, 2017 meeting). Full scope of work includes structural rehabilitation, Area A/C/D Program reconfiguration, select bathroom renovations, window replacement, exterior door replacement, and stairway door replacement. To remain on budget, Phase 2 scope will focus mainly on structural remediation of prestressed waffle slabs, and Area A which will create spaces for the Art studio and classes, painting, sculpture, ceramics, photography, Audio and video production, interactive media, studio-in-fibers, automotive shops and a state of the art "Makerspace." Area C will accommodate the electrical, masonry, and carpentry spaces and a shared shop space. Area D will accommodate new equipment and safety around what's already there for machining classes. The project is currently on schedule for their SED review and bidding this fall and working within the Strategic Plan budget.

Clara Barton School 2

Kory Hunsinger, Clark Patterson Lee, gave an overview of the building distinguishing rooms that are up to District standards, rooms that will be Program upgrades, and two options mainly revolving around a wing connection and stage. Option 1 shows the stage in its existing footprint and a connector hallway which would contain 1st grade classrooms. The site plan shows Option 1 and the rerouting of the existing storm/sewer currently under the building (with rock excavation). Option 2 shows a stage addition off the gymnasium which keeps the classrooms as is and eliminates 6 parking spaces (on an already limited site) and hallway access to the gym. Overall scope items include millwork replacements, MEP upgrades, new windows, and new doors. The project is currently within 6% of the Strategic Plan budget (going with Option 1) and is currently on schedule.

Approval of Minutes

Monthly Meeting held on June 7, 2017

Motion by Vice Chair Schmidt

Second by Member Brown

Approved 7-0

Special Meeting held on June 16, 2017

Motion by Vice Chair Schmidt

Second by Member Brown

Approved 7-0

Special Meeting held on June 29, 2017

Motion by Vice Chair Schmidt

Second by Member Brown

Approved 7-0

Consent Agenda Items

Resolution 2017-18: 1

Change Orders #61 through #64 to LeChase Construction Contract (School 12)

By Board Member Brown

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

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

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

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

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

WHEREAS, Change Order #61 includes the following items:

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|--|-------------|
| 1. LeChase Contract Resolution – | \$40,374.00 |
| The Total amount of Change Order #61 is \$40,374.00; and | |

WHEREAS, Change Order #62 includes the following items:

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|---|------------|
| 1. Clean and wax hallway 134 – | \$447.78 |
| 2. Spandrel glass replacement at admin offices – | \$3,781.91 |
| 3. Sand & refining cabinets at room 119 – | \$912.00 |
| The Total amount of Change Order #62 is \$5,141.69; and | |

WHEREAS, Change Order #63 includes the following items:

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|--|------------|
| 1. Handrail returns – | \$7,708.65 |
| 2. ASI 103 revised handrail returns at ST 1 and 4 – | \$5,212.71 |
| The Total amount of Change Order #63 is \$12,921.36; and | |

WHEREAS, Change Order #64 includes the following items:

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|---|-------------|
| 1. Room 315 provide filler strip and level stove;
provide 4 certified handrail systems – | \$40,979.00 |
| The Total amount of Change Order #64 is \$40,979.00; and | |

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

WHEREAS, the Program Manager thereafter recommended to the RJSCB's M/WBE and Services Procurement Committee (the "Committee") that LeChase's Contract should be amended to add these scope items for a total increase in the Contract Sum of \$99,416.05; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its July 13, 2017 meeting and, after due deliberation, it approved the request to amend the Contract.

THEREFORE, BE IT RESOLVED:

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

Second by Board Member Jones
Approved 7-0

Resolution 2017-18: 2
Change Order #18 to Manning Squires Hennig Contract (Monroe Phase 1c)

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 #18 includes the following items:

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|---|---------------|
| 1. Credit to omit project-wide cleaning – | (\$15,000.00) |
| 2. Credit for kitchen appliances – | (\$10,000.00) |
- The Total amount of Change Order #18 is (\$25,000.00); and

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

WHEREAS, the Program Manager thereafter recommended to the RJSCB's M/WBE and Services Procurement Committee (the "Committee") that Manning Squires' Contract should be amended to delete these scope items for a total decrease in the Contract Sum of \$25,000.00; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its July 13, 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 Jones
Approved 7-0

Resolution 2017-18: 3
Change Order #19 to MA Ferrauilo Contract (Monroe 1c)

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

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

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

WHEREAS, Change Order #19 includes the following item:

1. Revise ductwork layout in various rooms per ASI-158 – \$24,317.00
The Total amount of Change Order #19 is \$24,317.00; and

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

WHEREAS, the Program Manager thereafter recommended to the RJSCB's M/WBE and Services Procurement Committee (the "Committee") that Ferrauilo's Contract should be amended to add this scope item for a total increase in the Contract Sum of \$24,317.00; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its July 13, 2017 meeting and after due deliberation, it approved the request to amend the Contract.

THEREFORE, BE IT RESOLVED:

1. The proposed Change Order to Michael A. Ferrauilo Plumbing and Heating Inc.'s Contract between the Board and Contractor dated June 9, 2015 as set forth above is hereby approved; and
2. The RJSCB's Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute Change Orders 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 Jones
Approved 7-0

Resolution 2017-18: 4
Change Orders #1, #2, #4 and #5 to Manning Squires Hennig Contract (Monroe Phase 2a)

By Board Member Brown

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

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

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

WHEREAS, the RJSCB approved the award of the general contractor contract to Manning Squires Hennig, Inc. (“Manning Squires”) for the Monroe High School project in Phase 2a (Resolution 2016-17: 103); and

WHEREAS, the RJSCB entered into a contract with Manning Squires (Resolution 2016-17: 103) dated December 19, 2016 (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 The Pike Company, 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 #1 includes the following items:

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|---|-------------|
| 1. Reconstruction of band room floor – | \$11,283.00 |
| 2. Wall and ceiling paint upgrade – | \$13,602.56 |
| The Total amount of Change Order #1 is \$24,885.56; and | |

WHEREAS, Change Order #2 includes the following items:

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|--|------------|
| 1. Remove and reinstall shoe molding – | \$6,256.78 |
| The Total amount of Change Order #2 is \$6,256.78; and | |

WHEREAS, Change Order #4 includes the following items:

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|---|---------------|
| 1. Builder’s Risk Ins. credit – | (\$39,000.00) |
| The Total amount of Change Order #4 is (\$39,000.00); and | |

WHEREAS, Change Order #5 includes the following items:

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|---|-------------|
| 1. Foundation underpinning to accommodate new elev. pit – | \$23,204.29 |
| The Total amount of Change Order #5 is \$23,204.29; and | |

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

WHEREAS, the Program Manager thereafter recommended to the RJSCB’s M/WBE and Services Procurement Committee (the “Committee”) that Manning Squires’ Contract should be amended to add and delete these scope items for a total net increase in the Contract Sum of \$15,356.63; and

WHEREAS, the Committee considered and discussed the Program Manager’s recommendation at its July 13, 2017 meeting and after due deliberation, it approved the request to amend the Contract.

THEREFORE, BE IT RESOLVED:

1. The proposed Change Orders to Manning Squires Hennig, Inc.’s Contract between the Board and Contractor dated December 19, 2016 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 7-0

**Resolution 2017-18: 5
Change Orders #1, #2, #4 and #5 to MA Ferrauilo Contract (Monroe Phase 2a)**

By Board Member Brown

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

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

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

WHEREAS, the RJSCB approved the award of the contract for the mechanical scope of work to Michael A. Ferrauilo Plumbing and Heating Inc. (“MA Ferrauilo”) for the Monroe High School project in Phase 2a (Resolution 2016-17: 61); and

WHEREAS, the RJSCB entered into a contract with MA Ferrauilo (Resolution 2016-17: 61) dated September 29, 2016 (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, MA Ferrauilo, along with The Pike Company, 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 #1 includes the following items:

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|---|-------------|
| 1. Add chilled beams to rooms 246, 231 – | \$24,019.00 |
| The Total amount of Change Order #1 is \$24,019.00; and | |

WHEREAS, Change Order #2 includes the following items:

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|--|--------------|
| 1. Add branch piping – | \$2,521.00 |
| 2. Chemical storage room exhaust system – | (\$8,073.00) |
| 3. Manually rotate AHU and exhaust fans – | \$8,335.03 |
| 4. Additional piping supports in boiler room – | \$874.00 |
| The Total amount of Change Order #2 is \$3,657.03; and | |

WHEREAS, Change Order #4 includes the following items:

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|--|--------------|
| 1. Boiler room pump work – | (\$2,656.00) |
| 2. New knee wall and cabinetry – | \$1,594.00 |
| 3. Remove condensate piping, install new main – | \$4,124.85 |
| 4. Omit condensate pipe insulation, boiler room – | (\$2,707.00) |
| 5. Wall removal and replacement, 3 DDC panels – | \$1,169.15 |
| 6. Disconnect, remove, dispose of steam and
Condensate piping – | \$8,985.00 |
| The Total amount of Change Order #4 is \$10,509.00; and | |

WHEREAS, Change Order #5 includes the following items:

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|--|-------------|
| 1. Replace portions of greenhouse glycol system;
remove baseboard radiator system – | \$28,779.00 |
| The Total amount of Change Order #5 is \$28,779.00; and | |

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

WHEREAS, the Program Manager thereafter recommended to the RJSCB’s M/WBE and Services Procurement Committee (the “Committee”) that MA Ferrauilo’s Contract should be amended to add and delete these scope items for a total net increase in the Contract Sum of \$66,964.03; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its July 13, 2017 meeting and after due deliberation, it approved the request to amend the Contract.

THEREFORE, BE IT RESOLVED:

1. The proposed Change Orders to MA Ferraulo's Contract between the Board and Contractor dated September 29, 2016 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 the 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 7-0

Resolution 2017-18: 6
Change Orders #2 through #6 to Lloyd Mechanical Contracting LLC Contract (Monroe 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 RJSCB approved the award of the plumbing contractor contract to Lloyd Mechanical Contracting LLC ("Lloyd") for the Monroe High School project in Phase 2a (Resolution 2016-17: 61); and

WHEREAS, the RJSCB entered into a contract with Lloyd dated September 29, 2016 (the "Contract"), to perform the scope of services defined in the contract documents as the plumbing contractor's scope of work; and

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

WHEREAS, Change Order #2 includes the following items:

1.	Toilet room 100E plumbing demo –	\$649.94
2.	Sink – room 143D –	\$2,149.99
3.	Remove sink room 365 –	\$1,856.50
4.	Balcony roof drains –	\$4,999.70
5.	Extend piping in toilet 65 –	\$1,226.63
6.	Repipe toilet room 27	\$2,739.77
7.	Sink in storage room 02 –	\$709.97
8.	CMU furring – corridor BC-3C & BC-3D –	\$501.63
9.	Pump room 60 –	\$1,140.48
10.	Remove & cap piping @ basement –	\$7,093.98
11.	Remove sink piping – Room 260 –	\$917.44

The Total amount of Change Order #2 is \$23,986.03; and

WHEREAS, Change Order #3 includes the following items:

1.	Remove obstructions @ locker wall cavity –	\$4,306.17
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The Total amount of Change Order #3 is \$4,306.17; and

WHEREAS, Change Order #4 includes the following items:

1.	Replace Floor Drain in Room 28A –	\$3,535.21
2.	Fume Hood Plumbing, Rooms 324, 336, 337 –	\$1,620.40
3.	Address Water Line Ceiling Issue in Basement –	\$3,992.33
4.	Remove Gas Line and Route New Gas Piping –	\$5,564.80

The Total amount of Change Order #4 is \$14,712.74; and

WHEREAS, Change Order #5 includes the following items:

1. Install 10 sinks in Green Room Dressing Room – \$3,927.00

The Total amount of Change Order #5 is \$3,927.00; and

WHEREAS, Change Order #6 includes the following items:

1. RSMP Insurance Revision Adoption \$0.00

The Total amount of Change Order #6 is \$0.00; and

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

WHEREAS, the Program Manager thereafter recommended to the RJSCB's M/WBE and Services Procurement Committee (the "Committee") that Lloyd's Contract should be amended to add these scope items for a total increase in the Contract Sum of \$46,931.94; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its July 13, 2017 meeting and after due deliberation, it approved the request to amend the Contract.

THEREFORE, BE IT RESOLVED:

1. The proposed Change Orders to Lloyd's Contract between the Board and Contractor dated September 29, 2016 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 the 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 7-0

Resolution 2017-18: 7

Pay Requisition Summary Acceptance (June 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 \$319,536.64, 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 June 10, 2017; and

WHEREAS, the Program Manager forwarded the Phase 2 monthly Pay Requisition Summary (attached to this Resolution) totaling \$5,358,658.21, 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 June 10, 2017; and

WHEREAS, the RJSCB Chair approved the regular monthly Pay Requisition Summary and the Phase 2 monthly Pay Requisition Summary on July 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 July 13, 2017.

THEREFORE, BE IT RESOLVED:

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

Second by Board Member Jones
Approved 7-0

Resolution 2017-18: 8
Updated Phase 2 Swing Space Schedule

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

WHEREAS, the RJSCB's Program Manager for Phase 2, Savin Engineers P.C. ("Program Manager"), working with the District, developed a list and description of proposed Phase 2 projects known as the Phase 2 Comprehensive Master Plan dated March 2016 (the "Master Plan"); and

WHEREAS, the Board of Education approved the Master Plan at its monthly meeting on March 24, 2016 (BOE Resolution 2015-16: 630); and

WHEREAS, the RJSCB approved the forwarding of the Master Plan to the New York State Office of the State Comptroller ("Comptroller") and the New York State Education Department ("SED") for review and consideration in April 2016 (Resolution 2015-16: 144); and

WHEREAS, the Comptroller and SED each subsequently approved, as applicable, certain components of the Master Plan in accordance with the Act; and

WHEREAS, the Master Plan included a Preliminary Master Schedule that provided, among other things, a schedule for the use of swing space during Phase 2; and

WHEREAS, the District and the University of Rochester have determined that the students and staff of the East School will not be relocated to swing space during construction, which has necessitated adjustment to the Preliminary Master Schedule; and

WHEREAS, the Program Manager has prepared an updated swing space schedule, entitled Rochester Schools Phase 2: Updated Master Schedule for Swing Spaces (the "Updated Master Schedule") to accommodate the determination regarding the East School made by the District and the University of Rochester; and

WHEREAS, the RJSCB reviewed and discussed the Updated Master Schedule at its July 17, 2017 meeting and after due deliberation, it accepted and approved the Updated Master Schedule.

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby accepts and approves the Updated Master Schedule; and
2. The RJSCB hereby directs that the Updated Master Schedule be distributed to the District's Board of Education for review and consideration.

Second by Board Member Jones
Approved 7-0

Resolution 2017-18: 9
Insurance Requirements Waiver for Subconsultant of Watts Architecture & Engineering, D.P.C.

By Board Member Brown

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

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

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

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

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

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

WHEREAS, these 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, for Phase 2 of the RSMP, the RJSCB established certain insurance coverage limit coverages required to be obtained and maintained by consultants and subconsultants working on Phase 2 of the RSMP; and

WHEREAS, the RJSCB issued a request for proposals (the "RFP") for architectural services for the 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 project (Resolution 2016-17: 41); and

WHEREAS, the RJSCB entered into an agreement with Watts dated September 12, 2016, entitled Agreement between Board and Architect (the "Agreement"); and

WHEREAS, Watts has requested a waiver of the \$3,000,000 professional liability aggregate coverage for its subconsultant, Foundation Design, P.C., on the grounds that such coverage is in excess of its existing

professional liability policy limit of \$2,000,000 aggregate coverage; and

WHEREAS, Watts has provided proof that it meets the professional liability insurance requirements for the Dr. Freddie Thomas Learning Center project, including the \$3,000,000 aggregate coverage; and

WHEREAS, the RJSCB's insurance consultant has recommended that the RJSCB approve the waiver based upon the limited scope of work performed by Foundation Design, P.C. and the adequacy of the level of professional liability insurance coverage provided by Watts; and

WHEREAS, the M/WBE and Services Procurement Committee reviewed and discussed the waiver request at its meeting on July 13, 2017, and, after due deliberation, it approved the forwarding of the waiver request to the full Board for its consideration.

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby waives the requirement that Watts' subconsultant, Foundation Design, P.C., provide professional liability aggregate coverage of \$3,000,000 and accepts Foundation Design, P.C.'s professional liability aggregate coverage of \$2,000,000 for the Dr. Freddie Thomas Learning Center project.

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

**Resolution 2017-18: 12
Business Opportunities Program 2017-2018 Strategic Goals Report**

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

WHEREAS, the RJSCB's Program Manager for Phase 2, Savin Engineers P.C. ("Program Manager"), working with the District, developed a list and description of proposed Phase 2 projects known as the Phase 2 Comprehensive Master Plan dated March 2016 (the "Master Plan"); and

WHEREAS, the Board of Education approved the Master Plan at its monthly meeting on March 24, 2016 (BOE Resolution 2015-16: 630); and

WHEREAS, the Act calls for the development of a diversity plan ("Diversity Plan") to be incorporated into the Proposed Plan; and

WHEREAS, the RJSCB, with the assistance of the Executive Director, Program Manager, and General Counsel, developed a Diversity Plan for Phase 2 of the RSMP; and

WHEREAS, the RJSCB accepted and approved the Diversity Plan at a special meeting held on April 25, 2016 (Resolution 2015-16: 148); and

WHEREAS, the Diversity Plan called for the Program Manager to develop a Business Opportunities Program ("BOP"); and

WHEREAS, the Program Manager has developed and implemented the BOP in the 2016-17 fiscal year, and has presented the RJSCB with its 2017-2018 Strategic Goals report (the "Report") for review and approval; and

WHEREAS, the RJSCB discussed and considered the Report at its M/WBE and Services Procurement Committee meeting held on July 13, 2017 and at its regular Board meeting on July 17, 2017, and after due deliberation, it accepted and approved the Report.

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby accepts and approves the Business Opportunities Program 2017-2018 Strategic Goals report.

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

Action Items

Resolution 2017-18: 10 (Resolution tabled)

Discussion was held (see Presentation section), and the two (2) options on the table for additions and renovations to Clara Barton School No. 2. The Program Manager and Architect will follow up with the Chief of Operations and the School Chief and come back to the Board with resolution of one option moving forward.

Resolution 2017-18: 11 Schematic Design Documents Approval – Edison Educational Campus (Phase 2b)

By Board Member Jones

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

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

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

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

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

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

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

WHEREAS, the RJSCB approved the selection of LaBella Associates D.P.C. ("LaBella" or "Architect") as the Architect for the Phase 2b Edison project (Resolution 2016-17: 41); and

WHEREAS, the RJSCB entered into an agreement with LaBella, dated September 12, 2016, entitled Agreement Between Board and Architect (the "Agreement"); and

WHEREAS, the Agreement authorized LaBella to begin the program verification and planning associated with the Edison project; and

WHEREAS, at its regular monthly meeting on March 6, 2017, the RJSCB approved the Program Verification Documents for the Phase 2b Edison project (Resolution 2016-17: 158); and

WHEREAS, pursuant to the Agreement Between Board and Architect, LaBella has now submitted Schematic Design Documents for the Phase 2b Edison project to the Program Manager and the Building Advisory Committee members for review; and

WHEREAS, Building Advisory Committee meetings have been held throughout the schematic design phase for the Phase 2b Edison project, which includes participants from the Program Manager, Architect, representatives from the District's facilities department, the City, the building principal, teachers, staff, parents, and community members; and

WHEREAS, the Program Manager and the Building Advisory Committee members have approved the Schematic Design Documents for the Phase 2b Edison project; and

WHEREAS, at the RJSCB's June 29, 2017 special meeting, LaBella presented the Phase 2b Edison Schematic Design Documents for review and approval; and

WHEREAS, at the RJSCB's July 17, 2017 regular meeting, LaBella presented the Phase 2b Edison Schematic Design Documents for review and approval; and

WHEREAS, the RJSCB considered and discussed the Phase 2b Edison Schematic Design Documents at its July 17, 2017 regular meeting, and after due deliberation, the RJSCB approved the Schematic Design Documents and authorized LaBella to proceed with the next phase of design.

THEREFORE, BE IT RESOLVED:

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

Second by Board Member Brown
Approved 7-0

Resolution 2017-18: 13
Rejection of Bid and Authorization to Rebid – School 50 Roof Replacement Project (Phase 1)

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

WHEREAS, the Phase 1 Program Manager worked with the School 50 Architect and Construction Manager to prepare request for bids ("Request for Bids") package for the School 50 roof replacement project; and

WHEREAS, the RJSCB authorized the release of the Phase 1 School 50 roof replacement bidding documents package at its meeting on March 6, 2017 (Resolution 2016-17: 150); and

WHEREAS, the Program Manager received a single bid on July 12, 2017 per the deadline stipulated in the

Request for Bids for the School 50 roof replacement project, and the bid was subsequently publicly opened and read aloud at the location stated in the Request for Bids; and

WHEREAS, the bid received for the School 50 roof replacement project was substantially in excess of the construction budget for said project; and

WHEREAS, in the School 50 roof replacement bidding documents package, the RJSCB reserved the right to reject any or all bids received for said project; and

WHEREAS the Program Manager has recommended to the RJSCB that it reject the sole bid for the School 50 roof replacement project and that it rebid this project; and

WHEREAS, at the RJSCB regular meeting held on July 13, 2017, following the review and consideration of the recommendation from the Program Manager, and after due deliberation by the RJSCB, the RJSCB approved the rejection of the sole bid for the School 50 roof replacement project and the rebid of this project.

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby rejects the bid for the School 50 roof replacement project as it is in the best interest of the public and project to do so; and
2. The RJSCB hereby authorizes the Program Manager to prepare documents and to conduct a re-bid of the scope of work of the School 50 roof replacement project.

**Second by Board Member Benincasa
Approved 6-1 with Vice Chair Schmidt dissenting**

**Resolution 2017-18: 14
Rejection of Bid and Authorization to Rebid – School 50 Field Expansion and Maynard’s
Abatement/Demolition Project (Phase 1)**

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

WHEREAS, the Phase 1 Program Manager worked with the School 50 Architect and Construction Manager to prepare request for bids (“Request for Bids”) package for the School 50 field expansion and Maynard’s Building abatement and demolition project; and

WHEREAS, the RJSCB authorized the release of the Phase 1 School 50 field expansion and Maynard’s Building abatement and demolition project at its meeting on March 6, 2017 (Resolution 2016-17: 150); and

WHEREAS, the Program Manager received a single bid on July 12, 2017 per the deadline stipulated in the Request for Bids for the School 50 field expansion and Maynard’s Building project, and the bid was subsequently publicly opened and read aloud at the location stated in the Request for Bids; and

WHEREAS, the bid received for the School 50 field expansion and Maynard’s Building project was substantially in excess of the construction budget for said project and failed to comply with the requirements of the RSMP diversity plan as set forth in the proposed Contract Documents; and

WHEREAS, in the School 50 field expansion and Maynard’s Building project bidding documents package, the RJSCB reserved the right to reject any or all bids received for said project; and

WHEREAS the Program Manager has recommended to the RJSCB that it reject the sole bid for the School 50 field expansion and Maynard's Building project and that it rebid this project; and

WHEREAS, at the M/WBE and Services Procurement Committee ("Committee") meeting held on July 13, 2017, following the review and consideration of the recommendation from the Program Manager, and after due deliberation by the Committee, the Committee approved the rejection of the sole bid for the School 50 field expansion and Maynard's Building project and the rebid of this project.

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby rejects the bid for the School 50 field expansion and Maynard's Building abatement/demolition project as it is in the best interest of the public and project to do so; and
2. The RJSCB hereby authorizes the Program Manager to prepare documents and to conduct a re-bid of the scope of work of the School 50 field expansion and Maynard's Building project, including separating the scope of work of said project into one or more contracts and bid packages.

**Second by Board Member Benincasa
Approved 6-1 with Vice Chair Schmidt dissenting**

Discussion was held regarding the School 50 Roof and Field Expansion and Maynard's Abatement/Demolition Project (Phase 1). Consensus is to reject both bids, restructure, and rebid three (3) package: abatement/demolition this fall, site restoration spring 2018, and roof work summer 2018. Program Manager Mark AuClair stated that they had intended to perform the roof work at School 50 on second shift (beginning 8/7/17 with the initial bid schedule) as the EPDM roof is a quiet application. Mike Schmidt stated that this is not acceptable and to rebid and push for summer 2018 (modifying the logistics plan).

Communications

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

Phase 1:

- 92% submissions for the May 2017 reporting period.
- 98% of all data requested has been received and approved (April 2011 through May 2017).
- Overall Workforce (EEO) Participation: Minority @ 22.81% (goal is 20%) and Women @ 7.23% (goal is 6.9%).
- Overall Business Participation: Minority @ 15.72% (goal is 15%), Women @ 7.41% (goal is 5%), Disadvantaged @ 2.33% (goal is 2%) and Small @ 3.74% (goal is 5%).
- Rochester Residents: 7 of the 33 workers for the May 2017 reporting period (or 21.21%). The average Rochester Resident workforce (construction) from inception (April 2011 through May 2017) is 27.48%.
- An Excel file showing percentages of the hours for the entire Program broken down by gender and ethnicity for all Trades was handed out and reviewed. The data is included in the Exhibits of the Monthly Compliance Report.

Phase 2:

- 93.75% submissions for the May 2017 reporting period.
- 95.81% of all data requested has been received and approved (January 2016 through May 2017).
- Overall Workforce (EEO) Participation: Minority @ 43.72% (goal is 22%) and Women @ 9.99% (goal is 8%).
- Overall Business Participation: Minority @ 41.54% (goal is 17%), Women @ 15.47% (goal is 10%), Disadvantaged @ 1.41% (goal is 3%) and Small @ 2.59% (goal is 3%).
- Rochester Residents: 90 of the 283 workers for the May 2017 reporting period (or 31.8%).

The Phase 2 Monthly Report is included in the Member's packets and was reviewed by Program Director P  pin Accilien.

– Monroe:

- Phase 2a work in progress, completion schedule for December 2017;
- Lloyd Mechanical's Attorney is still challenging the EBE goals (follow-up discussion needed with the ICO and RJSCB General Counsel);
- SED approval expected any day now for the Phase 2b final design.

– East:

- Phasing and logistics reviewed with U of R Administrators;
- Took bids last month for the roof project which was awarded at this month's special meeting;
- Roof replacement awarded to Steve General. General requirements paperwork and mobilization underway.

– School 7:

- Abatement/Demolition complete;
- Main Project awarded to Prime Contractors and work started on schedule.

– School 16:

- Abatement/Demolition complete and punch list by the Architect is underway;
- SED final design approval imminent;
- Project out to bid (opening 8/10/17, Award 8/21/17);
- List of alternates prioritized with the Architect and RCSD facilities in advance of the bid opening.

– School 1/15:

- School move-out completed last week;
- Abatement/Demolition underway;
- Main Project out to bid, bid date 7/26/17;
- CM reconciling estimates since the project is currently \$1M over budget.

– SWW:

- Construction Notice to Proceed issued;
- General requirements paperwork underway.

– DTFLC:

- Construction Notice to Proceed issued;
- General requirements paperwork underway.

– Edison:

- Roof/Sitework Notice to Proceed issued;
- General requirements paperwork underway.

– Phase 2c:

- Swing space adjustments approved by the Committee last Thursday;
- Program verifications awaiting cost estimates from the CMs;
- BAC and User group meetings underway or being scheduled;
- Preparing preliminary estimates prior to going into schematic design.

– Phase 2d:

- Procurement of A/E services will begin for Flower City School 30/54 in about 2 months.

– BOP:

- Networking event to be held at the City Hall Atrium 7/31/17 @4pm;
- Instructional Series Cycle No. 2 graduation ceremony 8/3/17 @530pm;
- Instructional Series Cycle No. 2 begins 8/14/17 @ 530pm.

The M/WBE and Services Procurement Committee Report for July 13, 2017 is included in the Members packets.

The Finance Committee Report for July 13, 2017 is included in the Members packets.

Adjournment

Approved at 6:33 pm

Motion by Member Benincasa

Second by Member Richards

Approved 7-0