

Rochester Joint Schools Construction Board
Minutes
September 12, 2016
4:30 PM

Present

Chair Allen Williams, Charles Benincasa, Bob Brown, Ineabelle G. Cruz, Tom Richards (left at 6:26 pm), Vice Chair Mike Schmidt, Wayne Williams (left at 7:30 pm), and ICO Brian Sanvidge. Also present were: Executive Director Tom Renauto, General Counsel Ed Hourihan, and Program Managers Pepin Accilien and Roland Coleman from Savin and Tom Rog r from Gilbane.

Chair Williams convened the meeting at 4:36 pm.

Chair Williams moved the Project Labor Agreement discussion and resolution to the top of the Agenda and opened the floor for comments from the public and then the Board.

Please see Project Labor Agreement documentation under separate cover.

Project Labor Agreement

Resolution 2016-17: 59

Phase 2 PLA (Amendment to the Phase 1 PLA)

By Board Member Richards

WHEREAS, the Rochester School Facilities Modernization Program Act ("School Modernization 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 School Modernization Act, the RJSCB has certain enumerated powers to act as agent for the District, the City, or both; and

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

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

WHEREAS, the School Modernization Act allows the RJSCB to "revise and extend the requirements of the Project Labor Agreement entered into for Phase 1 Projects to the Projects authorized in Phase 2, contingent upon the completion of a supplemental Project Labor Agreement Benefit Analysis"; and

WHEREAS, the RJSCB engaged Seeler Engineering, P.C. (the "PLA Consultant") to perform a PLA Study for Phase 2 (Resolution 2015-2016: 83) to evaluate potential costs/benefits of utilizing a PLA for Phase 2 of the RSMP; and

WHEREAS, the RJSCB, accepted the PLA study by Seeler Engineering, P.C. and authorized the Program Manager to begin negotiating the terms of a PLA for Phase 2 at a Special Meeting on April 25, 2016 (Resolution 2015-16 149); and

WHEREAS, the Board Chairman, the Program Manager, the Executive Director, the RJSCB's PLA Consultant, and the ICO, participated in negotiations with the Rochester Building and Construction Trades Council resulting in an Amendment to the Phase 1 PLA to revise and extend certain requirements of the PLA entered into for Phase 1 projects to all projects to be undertaken in Phase 2 of the RSMP; and

WHEREAS, the M/WBE and Services Procurement Committee reviewed and discussed the provisions described in the Amendment to the Phase 1 PLA at its July 14, 2016 meeting and further discussion and due deliberation occurred at the Board meeting on July 18, 2016; and

WHEREAS, on August 4, 2016, at a Special Meeting of the RJSCB, Resolution 2016-17: 23 concerning a proposed Amendment to the Phase 1 PLA was rejected by the RJSCB by a 4 to 3 vote; and

WHEREAS, pursuant to an Order of the New York State Supreme Court, Monroe County (Justice John J. Ark, J.S.C.) issued on September 7, 2016, the RJSCB has been ordered to have an open meeting for reconsideration and revote on the issue of a project labor agreement for Phase 2 of the RSMP;

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the Amendment to the Phase 1 PLA and authorizes the Program Manager for Phase 1 and the Program Manager for Phase 2 to sign the Amendment to the Phase 1 PLA as the respective PLA Administrators for Phase 1 and Phase 2; and
2. The Amendment to the Phase 1 PLA shall be incorporated into the project specifications for each of the projects in Phase 2; and

**Second by Board Member Brown
Rejected 4-3**

Roll call vote

Member Richards: Yes

Member Brown: Yes

Member Benincasa: No

Member Williams: No

Member Cruz: No

Vice Chair Schmidt: Yes

Chair Williams: No

Resolution 2016-17: 58 was moved up in the order due to Tom Richards having to leave the meeting.

**Resolution 2016-17: 58
Contract Awards – Monroe High School (2a Project)**

By Board Member Richards

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 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 Program Manager has presented the Monroe High School 2a project design (“Monroe 2a”) to the Board of Education (“BOE”) and BOE approval took place on June 16, 2016 (BOE Resolution 2015-16: 852); and

WHEREAS, the Program Manager received State Education Department approval of the designs for the Monroe 2a on July 12, 2016; and

WHEREAS, following RJSCB approval, the Program Manager advertised and released the bid documents for the Monroe 2a project in July 2016; and

WHEREAS, the RJSCB’s Executive Director received bids on August 30, 2016 per the deadline stipulated in the Request for Bids, and those bids were publicly opened and read aloud on September 7, 2016 at the location stated in the Request for Bids; and

WHEREAS, the Executive Director received only one bid for the General Contractor Scope of work; and

WHEREAS, the Program Manager, Architect, Construction Manager, and Independent Compliance Officer have reviewed the bids and conducted de-scoping meetings with the apparent low bidders for each scope of work; and

WHEREAS, at the monthly meeting on September 12, 2016, the RJSCB reviewed and discussed the results of the bids with the Program Manager; and

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby rejects the bid for the General Contractor scope of work as it is in the best interest of the public and the project to do so; and
2. The RJSCB hereby authorizes the Program Manager to prepare documents and to conduct a re-bid for the General Contractor scope of work as quickly as possible; and
3. The RJSCB hereby “tables” the awards for the Mechanical, Electrical, and Plumbing scopes of work pending additional discussion and information from the Program Manager.
4. The RJSCB has concluded that it is in the best interest of the students of Monroe High School for the entire project to be completed, including the work associated with both the 2a project in 2016-2017 and the 2b project in 2017-2018, prior to students returning from temporary swing space.

Second by Board Member W. Williams
Approved 7-0

Approval of Minutes

Special Meeting held on August 4, 2016

Motion by Member Brown

Second by Member Benincasa

Approved 6-0 with Member Richards having left the meeting

Organizational Meeting held on August 8, 2016

Motion by Member Brown

Second by Member Benincasa

Approved 6-0 with Member Richards having left the meeting

Monthly Meeting held on August 8, 2016

Motion by Member Brown

Second by Member Benincasa

Approved 6-0 with Member Richards having left the meeting

Action Items

Resolution 2016-17: 37

Amendment #3 to AP Safety and Security (1b Projects)

By Board Member Benincasa

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, in September 2012, as a result of repeated vandalism at the School 17 project site, the Program Manager recommended and the RJSCB approved that the Construction Manager ("CM") for School 17, The Pike Company ("Pike"), hire security guard services for after hours and weekend/holiday coverage (Resolution 2012-2013: 31); and

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

WHEREAS, the RJSCB identified AP Safety and Security as the best candidate based on its qualifications, experience, ability to meet the demands and staffing for the project, and cost of services and the RJSCB subsequently awarded the contract for Security Services for three schools in Phase 1b (School 5, School 28 and Edison High School) at its monthly meeting on June 10, 2013 (Resolution 2012-13: 197) and then entered into an agreement with AP Safety and Security dated June 10, 2013 (the "1b Agreement"); and

WHEREAS, the Program Manager has identified unspent funds from the 1b Agreement previously awarded to AP Safety and Security and has recommended that those unspent funds be reallocated to cover the two-week time period between the end of security services for Monroe 1c and the start of security services for Monroe 2a; and

WHEREAS, the funds being transferred total \$6,268.50; and

WHEREAS, this transfer of funds will result in \$0 balance remaining under the 1b Agreement with AP Safety and Security; and

WHEREAS, based on the advice and recommendation of the Program Manager, the MWBE and Services Procurement Committee considered and discussed the transfer of funds at its September 8, 2016 meeting and, after due deliberation, it approved the request to amend the Agreement;

THEREFORE, BE IT RESOLVED:

1. The proposed amendment to the 1b Agreement between the RJSCB and AP Safety and Security dated June 10, 2013 as set forth above is hereby approved.
2. The RJSCB's Chair is authorized, in the name and behalf of the RJSCB, to execute an amendment to the AP Safety and Security Agreement that is consistent with this approval and in an acceptable form to the Chair upon the advice of the Program Manager and the RJSCB's general counsel.

**Second by Board Member Brown
Approved 6-0 with Member Richards having left the meeting**

**Resolution 2016-17: 38
Amendment #2 to AP Safety and Security (1c Projects)**

By Board Member Cruz

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

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

WHEREAS, in September 2012, as a result of repeated vandalism at the School 17 project site, the Program Manager recommended and the RJSCB approved that the Construction Manager ("CM") for School 17, The Pike Company ("Pike"), hire security guard services for after hours and weekend/holiday coverage (Resolution 2012-2013: 31); and

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

WHEREAS, in September 2014, the RJSCB issued a Request For Proposals ("RFP") for Security Services (Resolution 2014 – 2015: 66) for work at the School 12 project in Phase 1c; and

WHEREAS, the RJSCB identified AP Safety and Security as the best candidate based on its qualifications, experience, ability to meet the demands and staffing for the project, and cost of services and the RJSCB subsequently awarded the contract at its monthly meeting on November 3, 2014 (Resolution 2014-15: 108) and then entered into an agreement with AP Safety and Security dated November 3, 2014 (the "1c Agreement"); and

WHEREAS, the RJSCB later extended the services of AP Safety and Security, as permitted in the 1c Agreement, to include work at the Monroe High School project in Phase 1c (Resolution 2014-15: 191); and

WHEREAS, the RJSCB is currently in the process of hiring a firm to provide Security Services for Phase 2a at Monroe High School, however due to the timing of this process it is necessary to extend the date of the Phase 1c Agreement with AP Safety and Security until a firm is hired for the Phase 2a project; and

WHEREAS, the Program Manager has identified unspent funds from the 1b contract previously awarded to AP Safety and Security and has recommended that those unspent funds be reallocated to cover the two-week time period between the end of security services for Monroe Phase 1c and the start of security services for Monroe Phase 2a; and

WHEREAS, the funds being transferred total \$6,268.50; and

WHEREAS, there is no additional cost to the project as a result of this amendment; and

WHEREAS, based on the advice and recommendation of the Program Manager, at its September 8, 2016 meeting, the MWBE and Services Procurement Committee considered and discussed the proposal to extend the AP Safety and Security 1c Agreement for approximately two weeks and transfer the funds from their 1b contract to provide security services at the Monroe High School project in Phase 1c of the RSMP and, after due deliberation, it approved the request to amend the Agreement;

THEREFORE, BE IT RESOLVED:

1. The proposed amendment to the 1c Agreement between the RJSCB and AP Safety and Security dated November 3, 2014 as set forth above is hereby approved; and
2. The RJSCB's Chair is authorized in the name and behalf of the RJSCB, to execute an amendment to the AP Safety and Security Agreement that is consistent with this approval and in an acceptable form to the Chair upon the advice of the Program Manager and the RJSCB's general counsel.

Second by Board Member Brown
Approved 6-0 with Member Richards having left the meeting

Resolution 2016-17: 39
Revision to Amendment #16 to JCJ Architecture's Agreement (School 58) and Rescinding
Resolution 2016-17: 4

By Board Member Benincasa

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 selection of JCJ Architecture, P.C. ("JCJ Architecture") as the Architect for the School 58 World of Inquiry project in Phase I (Resolution 2010-11: 35); and

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

WHEREAS, JCJ Architecture has completed the services for School 58 in Phase 1 and the Program Manager has completed its reconciliation of all invoices for these services resulting in an unused balance remaining in the amount of \$51,378; and

WHEREAS, the RJSCB previously approved Resolution 2016-17: 4, which had incorrectly identified \$51,828 as the amount of the unused Agreement balance; and

WHEREAS, the MWBE and Services Procurement Committee considered and discussed the Program Manager's recommendation at its September 8, 2016 meeting to reduce JCJ Architecture's Agreement amount by \$51,378, and after due deliberation, it approved the request to amend the Agreement;

THEREFORE, BE IT RESOLVED:

1. The Board hereby rescinds Resolution 2016-17: 4; and
2. The proposed amendment to the JCJ Architecture Agreement between the Board and Architect dated March 28, 2011, as set forth above is hereby approved, reducing the total amount of the Agreement by \$51,378; and
3. The RJSCB's Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute an amendment to the Agreement that is consistent with this approval and in an acceptable form to the Chair upon the advice of the Program Manager and the RJSCB's general counsel.

Second by Board Member Williams
Approved 6-0 with Member Richards having left the meeting

Resolution 2016-17: 40
Move Services Purchase Order Reconciliation – Phase 1 Projects

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

WHEREAS, the RJSCB's Program Manager, with the advice of Vargas Associates (the "Move Manager"), the RJSCB's general counsel, and the RJSCB's Independent Compliance Officer, prepared request for bid packages for Moving Company Services for the projects in Phase 1; and

WHEREAS, the RSJCB subsequently awarded bids to several suppliers to provide Moving Services for projects in Phase 1 of the RSMP, including Pacific Scientific Transport, Corrigan Moving Systems, Lafayette Storage and Moving, and FM Office Express; and

WHEREAS, the firms Pacific Scientific Transport, Corrigan Moving Systems, Lafayette Storage and Moving, and FM Office Express have completed their respective Moving Services for Phase 1 and the

Program Manager has completed its reconciliation of all invoices for these services resulting in an unused balance remaining for each firm as shown in the table below (which has been agreed to by the firms); and

| Firm | Contract Value | Payments to Date | Balance |
|--------------------------------------|-----------------------|-------------------------|----------------|
| Pacific Scientific Transport | \$ 9,950.00 | \$ 5,975.00 | \$ 3,975.00 |
| Corrigan Moving Systems | \$ 255,921.00 | \$ 255,303.00 | \$ 618.00 |
| Lafayette Storage & Moving | \$ 152,328.00 | \$ 144,886.60 | \$ 7,441.40 |
| FM Office Express dba Merkel Donohue | \$ 286,211.00 | \$ 211,289.50 | \$ 74,921.50 |

WHEREAS, the MWBE and Services Procurement Committee considered and discussed the Program Manager's recommendation at its September 8, 2016 meeting to reduce the purchase order amounts to the firms listed above and, after due deliberation, it approved the request by the Program Manager to reduce these purchase order amounts;

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the recommendation of the Move Manager and the Program Manager to reduce the purchase orders to the above named firms, in the amounts specified above, related to Moving Services in Phase 1 of the RSMP.

**Second by Board Member Benincasa
Approved 6-0 with Member Richards having left the meeting**

**Resolution 2016-17: 41
Architect Selection - Phase 2b Projects**

By Board Member Brown

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

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

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

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

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

WHEREAS, the RJSCB's Executive Director received a total of thirteen proposals as of the date and time specified in the RFP, and promptly distributed those proposals to the RJSCB members and representatives from the District's facilities group; and

WHEREAS, the Executive Director and the Program Manager subsequently recommended eight finalists following an extensive review of the RFP proposals, and these eight firms were then interviewed by a

selection committee made up of RJSCB representatives, the Executive Director, and the Program Manager; and

WHEREAS, after due deliberation by the RJSCB and on the advice of the Program Manager, the following firms were identified as being highly qualified and fiscally responsive to the RJSCB's RFP for the specific projects set forth below;

| | |
|---|------------------------------------|
| School Without Walls Commencement Academy | Clark Patterson Lee |
| Martin B. Anderson School 1 | Moody-Nolan |
| Edison Educational Campus | LaBella Associates |
| Freddie Thomas Learning Center | Watts Architecture and Engineering |

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the named firms to provide architectural services as indicated above for the four schools in Phase 2b of the RSMP; and
2. The Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute and deliver individual agreements with each firm named above in substantially the form previously approved by the RJSCB as an attachment to the RFP, with such changes as the Chair may approve (his 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 Williams
Approved 6-0 with Member Richards having left the meeting

Resolution 2016-17: 42
Phase 2 Food Service Consultant

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 RJSCB issued a request for proposals (the "RFP") for Food Service Consultant Services for Phase 2 Schools (Resolution 2016-17: 11); and

WHEREAS, the RJSCB's Executive Director received one proposal as of the date and time specified in the RFP, and promptly distributed the proposal to the RJSCB members; and

WHEREAS, the Executive Director, representatives from the District's food service department, and the Program Manager subsequently interviewed the firm Kaizen Foodservice Planning and Design; and

WHEREAS, after due deliberation by the Committee, the firm Kaizen Foodservice Planning and Design was identified as being highly qualified and fiscally responsive to the RJSCB's Rochester Schools Modernization Program, RFP for Food Service Consultant Services;

WHEREAS, at its September 8, 2016 meeting, the MWBE and Services Procurement Committee ("Committee") reviewed and discussed the Program Manager's recommendation to award Food Services Consultant Services contract to Kaizen Foodservice Planning and Design and, after due deliberation, it was agreed to forward the recommendation to the full Board for review and approval;

THEREFORE, BE IT RESOLVED:

1. The contract for Food Service Consulting Services for Phase 2 of the Rochester Schools Modernization Program is hereby awarded to Kaizen Foodservice Planning & Design; and
2. The RJSCB's Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute an 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 Benincasa
Approved 6-0 with Member Richards having left the meeting**

**Resolution 2016-17: 43
Phase 2 District Wide Technology Consultant Selection**

By Board Member Cruz

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

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

WHEREAS, the authorizing legislation for Phase 2 of the Rochester Schools Modernization Program ("RSMP") was signed into law by the Governor of the State of New York on December 17, 2014 (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 issued a request for proposals (the "RFP") for District Wide Technology Consultant Services for Phase 2 Schools (Resolution 2016-17: 10); and

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

WHEREAS, a selection committee made up of RJSCB representatives, District IM&T representatives, the Executive Director, and the Program Manager interviewed all four of the responding firms; and

WHEREAS, the firm Millennium Strategies was identified as being highly qualified and fiscally responsive to the RJSCB's Rochester Schools Modernization Program, RFP for Technology Consultant Services;

THEREFORE, BE IT RESOLVED:

1. That the Rochester Joint Schools Construction Board hereby approves Millennium Strategies to provide Technology Services for the schools in Phase 2 of the RSMP; and
2. The RJSCB Program Manager is hereby authorized, in the name and on behalf of the RJSCB, to negotiate an Agreement with the firm named above, in consultation with the RJSCB Chair and its general counsel, for approval and execution by the Chair on behalf of the RJSCB.

Second by Board Member Williams
Approved 6-0 with Member Richards having left the meeting

Resolution 2016-17: 44
Phase 2 Insurance and Bond Review Consultant Services

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 RJSCB issued a request for proposals (the "RFP") for Insurance and Bond Review Consultant Services for Phase 2 Schools (Resolution 2016-17: 8); and

WHEREAS, the Executive Director received two proposals in response to the RFP for Insurance and Bond Review Consultant Services as of the date and time specified in the RFP; and

WHEREAS, based on the qualifications presented in the RFP responses, the Executive Director, RJSCB representatives, and the Program Manager subsequently conducted interviews with both of the candidates; and

WHEREAS, following the interviews, the Executive Director and Program Manager identified Lawley Services Inc., as the best candidate based on its qualifications, experience, ability to meet the demands and staffing for the project, and cost of services; and

WHEREAS, the M/WBE and Services Procurement Committee reviewed and discussed the recommendation from the Program Manager to award the contract for Insurance and Bond Review Consultant Services to Lawley Services Inc. at its meeting on September 8, 2016, and after due deliberation, it was agreed to forward the recommendation to the full Board for review and approval;

THEREFORE, BE IT RESOLVED:

1. The contract for Insurance and Bond Review Consultant Services for Phase 2 of the Rochester Schools Modernization Program is hereby awarded to Lawley Services, Inc.; and
2. The RJSCB's Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute an Agreement that is consistent with this approval and in an acceptable form to the Chair upon the advice of the RJSCB's general counsel.

Second by Board Member Cruz

Approved 6-0 with Member Richards having left the meeting

Resolution 2016-17: 45

Phase 2a Security Services

By Board Member Cruz

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

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

WHEREAS, the authorizing legislation for Phase 2 of the Rochester Schools Modernization Program ("RSMP") was signed into law by the Governor of the State of New York on December 17, 2014 (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 issued a request for proposals (the "RFP") for Security Services for Phase 2a Schools (Resolution 2016-17: 9); and

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

WHEREAS, the Executive Director, representatives from the RJSCB, and the Program Manager subsequently interviewed four of the respondent firms, the fifth firm having been granted an interview but declined to attend; and

WHEREAS, following the interviews, the Executive Director and Program Manager identified AP Safety and Security as the best candidate based on its qualifications, experience, ability to meet the demands and staffing for the project, and cost of services; and

WHEREAS, the Committee reviewed and discussed the recommendation from the Program Manager to award the contract for security services to AP Safety and Security at its meeting on September 8, 2016, and, after due deliberation, it approved the recommendation;

THEREFORE, BE IT RESOLVED:

1. The contract for Security Services for Phase 2a schools of the Rochester Schools Modernization Program is hereby awarded to AP Safety and Security; and

2. The RJSCB's Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute an 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 Benincasa
Approved 6-0 with Member Richards having left the meeting**

**Resolution 2016-17: 46
Phase 2a Special Inspection and Testing Agent Services**

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 a Special Inspection and Testing Agent as a third party inspector during construction of the Phase 2 projects; and

WHEREAS, the RJSCB issued a Request for Proposals ("RFP") for Special Inspection and Testing Agent Services (Resolution 2016 – 2017: 31), which included work at the first projects in Phase 2a; and

WHEREAS, the Executive Director received two proposals in response to the RFP for Special Inspection and Testing Agent Services on the date and time specified in the RFP; and

WHEREAS, based on the qualifications presented in the RFP responses, the Executive Director, representatives from the RJSCB, and the Program Manager subsequently conducted interviews with both of the candidates; and

WHEREAS, following the interviews, the Executive Director and Program Manager identified SJB Services, Inc. as the best candidate based on its qualifications, experience, ability to meet the demands and staffing for the project, and cost of services; and

WHEREAS, the M/WBE and Services Procurement Committee considered the recommendation from the Program Manager to award the contract for Special Inspection and Testing Agent Services to SJB Services, Inc. at its meeting on September 8, 2016 and, after due deliberation, it approved the recommendation;

THEREFORE, BE IT RESOLVED:

1. The contract for Special Inspection and Testing Agent Services for the first schools in Phase 2a of the Rochester Schools Modernization Program is hereby awarded to SJB Services, Inc.; and
2. The RJSCB's Chair is hereby authorized in the name and on behalf of the RJSCB, to execute an Agreement that is consistent with this approval and in an acceptable form to the Chair upon the advice of the RJSCB's general counsel.

Second by Board Member Cruz

Approved 6-0 with Member Richards having left the meeting

Resolution 2016-17: 47

Phase 2a Environmental Monitoring Agent Services

By Board Member Cruz

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

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

WHEREAS, the authorizing legislation for Phase 2 of the Rochester Schools Modernization Program ("RSMP") was signed into law by the Governor of the State of New York on December 17, 2014 (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 Executive Director received six proposals in response to the RFP for Environmental Monitoring Agent Services on the date and time specified in the RFP; and

WHEREAS, based on the qualifications presented in the RFP responses, the Executive Director, representatives from the RJSCB, and the Program Manager subsequently conducted interviews with each of the six candidates; and

WHEREAS, following the interviews, the Executive Director and Program Manager identified M.E. Holvey Consulting, LLC as the best candidate for the School 7 project based on its qualifications, experience, ability to meet the demands and staffing for the project, and cost of services; and

WHEREAS, following the interviews, the Executive Director and Program Manager identified LaBella Associates, D.P.C. as the best candidate for School 16, James Monroe High School and East Campus projects based on its qualifications, experience, ability to meet the demands and staffing for the project, and cost of services; and

WHEREAS, the M/WBE and Services Procurement Committee considered the recommendation from the Program Manager to award contracts for Environmental Monitoring Agent Services to M.E. Holvey Consulting, LLC and LaBella Associates, D.P.C., at its meeting on September 8, 2016 and after due deliberation, it approved the recommendation;

THEREFORE, BE IT RESOLVED:

1. The contract for Environmental Monitoring Agent Services for School 7 in Phase 2a of the Rochester Schools Modernization Program is hereby awarded to M.E. Holvey Consulting, LLC; and
2. The contract for Environmental Monitoring Agent Services for School 16, James Monroe High School and the East Campus in Phase 2a of the Rochester Schools Modernization Program is hereby awarded to LaBella Associates, D.P.C.; and
3. The RJSCB's Chair is hereby authorized in the name and on behalf of the RJSCB, to execute an Agreement with each firm named above 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 Benincasa
Approved 6-0 with Member Richards having left the meeting

Resolution 2016-17: 48
Phase 2 – Commissioning Authority Services Request for Proposals

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 RJSCB, upon the recommendation of its Program Manager, has determined a need for a Commissioning Authority Services consultant to provide services for the Phase 2 projects that are part of the RSMP; and

WHEREAS, the RJSCB's Program Manager has prepared a request for proposals (an “RFP”) for a Commissioning Authority Services that requires the responding firms to set forth their fee proposals for each school project and their hourly rates for a specific scope of work related to the Phase 2 projects; and

WHEREAS, the M/WBE and Services Procurement Committee reviewed and discussed the RFP for Commissioning Authority Services at its meeting on September 8, 2016, and after due deliberation, it approved the RFP for issuance;

THEREFORE, BE IT RESOLVED:

1. The Request for Proposals for Phase 2 Commissioning Authority Services is approved for issuance; and
2. The MWBE and Services Procurement Committee is authorized on behalf of the RJSCB to select finalists, conduct interviews as necessary, and recommend to the RJSCB the most qualified candidate.

**Second by Board Member Williams
Approved 6-0 with Member Richards having left the meeting**

**Resolution 2016-17: 49
Charlotte Existing Wood Door and Hardware Replacement Project**

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

WHEREAS, the RJSCB entered into an agreement with Chaintreuil Jensen Stark Architects ("CJS"), dated March 28, 2011, (Resolution 2010-11: 35) with respect to the renovations to occur at Charlotte High School (Agreement between Board and Architect); and

WHEREAS, the District has recently requested additional work at Charlotte High School related to the replacement of existing wood doors and hardware; and

WHEREAS, the Program Manager has identified funding available for this additional work from uncommitted contingency; and

WHEREAS, the qualifying work associated with the existing wood door replacement work will be aided due to the fact that the project will be within the maximum cost allowance ("MCA") established for Charlotte High School by the State Education Department; and

WHEREAS, bid documents have been prepared, and the Program Manager has recommended that the project be bid and awarded as a single prime GC contract; and

WHEREAS, the work will take place as soon as possible based on the lead time for materials; and

WHEREAS, the RJSCB MWBE and Services Procurement Committee considered and discussed the Program Manager's recommendation at its September 8, 2016 meeting, and after due deliberation, it approved commencement of the additional work at Charlotte High School related to the replacement of existing wood doors and hardware;

THEREFORE, BE IT RESOLVED:

1. The RJSCB, through its Program Manager, shall proceed with the bid of the Charlotte High School existing wood door and hardware replacement project as a single prime GC package; and
2. Prior to issuance of the bid documents, the Program Manager will work with the RJSCB's general counsel to further develop and finalize the request for bid package, including the general conditions of the contract for construction and the form of contract; and
3. The RJSCB has allocated a not-to-exceed budget \$200,000 for the design, bid construction of this project and will evaluate the bids received based upon this budget; and
4. 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 Williams
Approved 6-0 with Member Richards having left the meeting

Resolution 2016-17: 50
Authorization to Bid – Additional HVAC Work at Monroe High School Phase 1 Project

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

WHEREAS, the RJSCB entered into an agreement with Chaintreuil Jensen Stark Architects ("CJS"), dated November 15, 2011, (Resolution 2011-12: 39) with respect to the renovations to occur at Monroe High School (Agreement between Board and Architect); and

WHEREAS, significant changes to the HVAC design on the second and third floors is necessary as a result of the Phase 2a interior room layout; and

WHEREAS, the Program Manager and the Construction Manager, Campus Construction Management, have attempted to negotiate pricing for these changes with the existing Prime contractor, have completed their evaluation of such pricing, and have found it to be unreasonably high; and

WHEREAS, the Program Manager has recommended that the RJSCB publicly bid the work in order to obtain the best pricing possible; and

WHEREAS, the qualifying work associated with the changes to the HVAC design will be aided due to the fact that the project will be within the maximum cost allowance ("MCA") established for Monroe High School by the State Education Department; and

WHEREAS, the necessary design changes to the Phase 1 documents have already been prepared by CJS in order to accommodate the Phase 2a project; and

WHEREAS, bid documents will be prepared and the work will take place immediately upon award; and

WHEREAS, the RJSCB MWBE and Services Procurement Committee considered and discussed the Program Manager's recommendation at its September 8, 2016 meeting, and after due deliberation, it authorized the Program Manager to prepare bid documents for the additional work at Monroe High School in Phase 1;

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby authorizes the Program Manager to prepare and issue bid documents for the additional work at Monroe High School in Phase 1 associated with the HVAC changes to the second and third floors resulting from the Phase 2a project; and
2. Prior to issuance of the bid documents, the Program Manager will work with the RJSCB's general counsel to further develop and finalize the request for bid package, including the general conditions of the contract for construction 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.

**Member Brown made a motion to reject the Resolution, Second by Member Williams
Resolution was rejected 5-0 with Member Richards having left the meeting and Member Cruz temporarily away**

**Resolution 2016-17: 51
Change Order #47 to LeChase Construction (School 12)**

By Board Member Schmidt

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 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 #47 includes the following items:

1. Cafeteria lighting revisions - use existing allowance funds already in Contract - \$0
2. Add sheet metal enclosure at third floor stair - use existing allowance funds already in Contract - \$0
3. Seal floor joints - use existing allowance funds already in Contract - \$0
4. Ramp to stage area - use existing allowance funds already in Contract - \$0
5. Add wall base at cafeteria - use existing allowance funds already in Contract - \$0

6. Enclosure at storage room – use existing allowance funds already in Contract - \$0
 7. Paint east wall at cafeteria – use existing allowance funds already in Contract - \$0
- The Total amount of Change Order #47 is \$0; and

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

WHEREAS, the Program Manager thereafter recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that LeChase's Contract should be amended to add these scope items for a total of \$0; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its September 8, 2016 meeting and, after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

1. The proposed Change Order #47 to LeChase's Contract between the Board and Contractor dated March 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 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 Brown

Approved 5-0 with Member Richards having left the meeting and Member Cruz temporarily away

Resolution 2016-17: 52

Change Order #20 to Landry Mechanical Contractors (School 12)

By Board Member Benincasa

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 mechanical contractor contract to Landry Mechanical Contractors, ("Landry") for the School 12 project in Phase I (Resolution 2014-15: 200); and

WHEREAS, the RJSCB entered into a contract with Landry (Resolution 2014-15: 200) dated March 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, Landry, 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 #20 includes the following items:

1. Add sheet metal enclosure at third floor stair for the amount of \$4,087.81
2. Enclosure at storage room – use allowance funds already in Contract - \$0

3. Add radiant heater for the amount of \$1,248.52
 4. Replace existing UV in storage room for the amount of \$8,796.91
- The Total amount of Change Order #20 is \$14,133.24; 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 Landry's Contract should be amended to add these items for a total of \$14,133.24; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its September 8, 2016 meeting and, after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

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

Second by Board Member Brown
Approved 6-0 with Member Richards having left the meeting

Resolution 2016-17: 53
Change Order #19 to Hewitt Young Electric (School 12)

By Board Member Brown

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

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

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

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

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

WHEREAS, Change Order #19 includes the following items:

1. Provide copier power at teacher work room – use existing allowance funds already included in Contract - \$0

2. Provide power for cooling tower – use existing allowance funds already included in Contract - \$0
The Total amount of Change Order #19 is \$0; and

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

WHEREAS, the Program Manager thereafter recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that HYE's Contract should be amended to add these scope items for a total of \$0 (use existing allowance funds within the Contract); and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its September 8, 2016 meeting and, after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

1. The proposed Change Order #19 to HYE's Contract between the Board and Contractor dated March 17, 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 Benincasa
Approved 6-0 with Member Richards having left the meeting

Resolution 2016-17: 54
Change Order #10 to Manning Squires Hennig (Monroe)

By Board Member Brown

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

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

WHEREAS, the RJSCB approved the award of the 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 the 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 #10 includes the following items:

1. Remove janitor closet at ceiling for the amount of \$1,324
2. Delete PVC sewer pipe to manhole #5 for a credit in the amount of -\$970

3. Remove existing movable wall system for the amount of \$1,614
4. Remove asbestos containing caulk at skylight for the amount of \$4,163
5. Infill opening with masonry for the amount of \$9,777
6. Provide floor protection at boys gym for the amount of \$9,530
7. Remove a portion of the equipment storage room wall for the amount of \$3,916

The Total amount of Change Order #10 is \$29,354; 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 and delete these scope items for a total of \$29,354; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its September 8, 2016 meeting and, after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

1. The proposed Change Order #10 to Manning Squires' 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 Schmidt

Approved 6-0 with Member Richards having left the meeting

Resolution 2016-17: 55

Change Order #9 to MA Ferrauilo (Monroe)

By Board Member Brown

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

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

WHEREAS, the RJSCB approved the award of the mechanical contractor contract to Michael A. Ferrauilo Plumbing and Heating Inc. ("MA Ferrauilo") for the Monroe High School 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 the 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 #9 includes the following items:

1. Modifications based on second floor coordination drawings for the amount of \$9,457
2. Modifications based on third floor coordination drawings for the amount of \$25,634
3. Revisions to ductwork layouts as a result of the 2a project design for the amount of \$80,000
4. Modifications based on first floor coordination drawings for the amount of \$17,088
5. Revisions to ductwork associated with AHU 1-3 for the amount of \$4,331
6. Provide duct openings through foundations for the amount of \$14,184
7. Changes to existing auditorium duct returns for the amount of \$4,851
8. Remove ceiling due to ductwork layout for the amount of \$2,049

The Total amount of Change Order #9 is \$157,594; 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 MA Ferraiulo's Contract should be amended to add these scope items for a total of \$157,594; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its September 8, 2016 meeting and, after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

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

Second by Board Member Cruz

Approved 6-0 with Member Richards having left the meeting

Resolution 2016-17: 56

Change Order #7 to Eastcoast Electric, LLC (Monroe)

By Board Member Brown

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

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

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

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

WHEREAS, following the execution of the Contract, Eastcoast, along with the Campus Construction (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 #7 includes the following items:

1. Reconnect and pull wire to feed main office suite for the amount of \$6,134
2. Delete room switches for a credit in the amount of -\$23,999
3. Re-feed existing panels for the amount of \$35,442
4. Delete work related to AHU B-1 for a credits in the amount of -\$738
5. Revisions to elevator number 2 for the amount of \$6,997
6. Provide fire alarm system and devices for the amount of \$134,055
7. Delete the removal of fire alarm devices from alternate #13 for a credit in the amount of -\$6,030
8. Changes to panel board work for the amount of \$16,078
9. Repair damaged wiring for the amount of \$3,161
10. Delete bollards shown at switchgear enclosure for a credit in the amount of -\$2,983
11. Relocate panel for the amount of \$1,487

The Total amount of Change Order #7 is \$169,604; and

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

WHEREAS, the Program Manager thereafter recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that Eastcoast's Contract should be amended to add and delete these scope items for a total of \$169,604; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its September 8, 2016 meeting and, after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

1. The proposed Change Order #7 to Eastcoast's Contract between the Board and Contractor dated June 9, 2015 as set forth above is hereby approved; and
2. The RJSCB's Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute a Change Order to the Contract that is consistent with this approval and in an acceptable form to the Chair upon the advice of the Program Manager and the RJSCB's general counsel.

Second by Board Member Cruz

Approved 6-0 with Member Richards having left the meeting

Resolution 2016-17: 57

Pay Requisition Summary Acceptance (August 2016)

By Board Member Benincasa

WHEREAS, the Rochester School Facilities Modernization Program Act ("School Modernization 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 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 General Counsel, the MWBE and Services Procurement Committee, members of the accounting department of Rochester City School District, and the RJSCB's independent auditing firm; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

WHEREAS, the City will be reimbursed for its BAN from the Phase 2 bond proceeds (anticipated to occur in the summer of 2016) 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, in compliance with the Pay Requisition Approval Procedure, the RJSCB's Executive Director has reviewed the individual pay applications from each of the consultants and suppliers for accuracy and completeness; and

WHEREAS, the Executive Director forwarded the regular monthly Pay Requisition Summary (attached to this Resolution) totaling \$2,324,552.94, 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 Board Chair with copy to the full Board on August 30, 2016; and

WHEREAS, the Executive Director forwarded the Phase 2 monthly Pay Requisition Summary (attached to this Resolution) totaling \$549,740.20, 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 Board Chair with copy to the full on August 30, 2016; and

WHEREAS, the RJSCB Board Chair approved the regular monthly Pay Requisition Summary and the Phase 2 monthly Pay Requisition Summary on September 2, 2016; and

WHEREAS, the RJSCB's Executive Director 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 September 8, 2016;

THEREFORE, BE IT RESOLVED:

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

Second by Board Member Cruz

Approved 6-0 with Member Richards having left the meeting

Communications

The Phase 1 Monthly Report is included in the Member's packets and was reviewed by Program Manager Tom Rogér.

- School 17: (Replacement) door installation has been completed.
- Charlotte: CJS is working on the bid package for replacement doors (expecting to bid in September). Installation will have to take place afterhours this fall.
- School 12: Working on punchlist items and pushing for a quick closeout and resolving any change orders.

– Monroe: The team is identifying the coordination that will need to take place regarding Phase 1 and Phase 2 transition with scope and Contractors.

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

– General: The Strategic Plan is being reviewed by SED and the Financial Plan is being reviewed by the Comptroller's office (OSC sent their latest round of comments to Tom Renauto today).

– 2a Projects: 3 projects are in Schematic Design (East, School 7, and School 16) and are moving through presentations and discussions with the Superintendent's Cabinet as well as the Mayor's Office. 1 project is in bidding phase (Monroe). Construction Managers for the projects were approved at this meeting with NTP's going out tomorrow and Contracts to be produced and reviewed by Legal.

– 2b Projects: The 4 projects are anticipated to start design immediately after award at the September meeting. With regard to Monroe 2b, the pool was discussed (not a natatorium but a larger school pool - not necessarily 8 lanes and diving).

– BOP: The Networking Matchmaker event was held on July 27, 2016 and was heavily attended. The BOP team is moving forward with logistics for the training program - registration is well underway and classes have begun with about 24 participants so far. There was a special guest (Empire State Development's Vice President) who is strongly advocating the growth of a loan program that the State is promoting to provide opportunities to SBE's at a low interest rate. (about \$2M available).

- The District has requested additional studies for the School 1 and School 15 programs along with several other possible program moves. A proposal has been requested from SWBR and will be brought to the Board at a Special Meeting

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

- 90.42% submissions for the July 2016 reporting period.

- 97.98% of all data requested has been received and approved (April 2011 through July 2016).

- Overall Workforce (EEO) Participation: Minority @ 22.9% (goal is 20%) and Women @ 7.26% (goal is 6.9%).

- Overall Business Participation: Minority @ 15.68% (goal is 15%), Women @ 7.43% (goal is 5%), Disadvantaged @ 2.32% (goal is 2%) and Small @ 3.75 (goal is 5%).

- Rochester Residents: 90 of the 232 workers for the July 2016 reporting period (or 38.79%). The average Rochester Resident workforce (construction) from inception (April 2011 through July 2016) is 27.16%.

The Budget reports are included in the Member's packets and were reviewed by Tom Rogér and Pepin Accilien.

- Phase 1 Budget Update: Contingency is tracking well - zeroed out for Phase 1a and 1b projects with the exception of Charlotte (door) and East (field) and 1c still has adequate contingency. Owner's contingency is at \$832K and is expected to increase.

- Phase 2 Budget Update: The spreadsheet provided a snapshot of the current Phase 2 Contracts that have been committed and paid to date and the RJSCB's operating expenses. It also tracks the funding sources (District and City BAN) totaling \$32M and remaining balance (about \$27.6M).

- The COMIDA Application has been sent by Tom Renauto to the City and District for review before acquiring RJSCB Chair and District Superintendent signature and submitting.

The M/WBE and Services Procurement Committee Report for September 8, 2016 is included in the Members packets.

The Finance Committee Report for September 8, 2016 is included in the Members packets.

Adjournment

Approved at 8:07 pm