

Rochester Joint Schools Construction Board
Special Meeting Minutes
May 25, 2017
5:00 PM

Present

Chairman Allen Williams, Charles Benincasa, Bob Brown, I. Geena Cruz, Norman Jones (arrived at 5:39 pm), and Thomas Richards. Vice Chair Michael Schmidt and ICO Brian Sanvidge were away. Also present: General Counsel Greg McDonald and Program Managers P  pin Accilien and Roland Coleman from Savin and Thomas Rog  r from Gilbane.

Chairman Williams convened the meeting at 5:13 pm.

Action Items

Resolution 2016-17: 201

Construction Manager Selection – George Mather Forbes School 4 (Phase 2c)

By Board Member Cruz

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

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

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

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

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

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

WHEREAS, these identified projects (the “Phase 2c Projects”) include: Dag Hammarskjold School 6; Dr. Walter Cooper Academy School 10; George Mather Forbes School 4; and Clara Barton School 2; and

WHEREAS, the RJSCB, upon the recommendation of its Program Manager, has determined a need for a construction management firm to provide a single point of contact for all construction management tasks on each of the Phase 2c projects of the RSMP; and

WHEREAS, on April 11, 2017, the RJSCB issued a request for proposals (the “RFP”) for construction management services for the Phase 2c George Mather Forbes School 4 project (Resolution 2016-17: 168); and

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

WHEREAS, the RJSCB Chair, the Program Manager and Independent Compliance Officer (“ICO”) subsequently

interviewed the four respondent firms; and

WHEREAS, at the M/WBE and Services Procurement Committee (“Committee”) meeting held on May 4, 2017, after due deliberation by the Committee, DiMarco Constructors was identified as being highly qualified and fiscally responsive to the RJSCB’s RFP for Construction Management services for the George Mather Forbes School 4 project.

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves DiMarco Constructors to provide Construction Manager services for the Phase 2c George Mather Forbes School 4 project; and
2. The RJSCB Chair is hereby authorized, in the name and on behalf of the RJSCB, to negotiate an Agreement with the firm named above, in consultation with the RJSCB Program Manager and its general counsel, for approval by the RJSCB.

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

**Resolution 2016-17: 212
Contract Award – General Construction – School 7 (Phase 2a Project)**

By Board Member Brown

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

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

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

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

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

WHEREAS, the Virgil I. Grissom School No. 7 (“School 7”) is one of the projects included in Phase 2b of the RSMP as provided in the Phase 2 Master Plan; and

WHEREAS, Phase 2a of the RSMP includes general construction, mechanical, plumbing and electrical work at School 7; and

WHEREAS, the Program Manager worked with the Architect of Record and Construction Manager for the School 7 project to prepare a Request for Bids for general construction, mechanical, plumbing and electrical work for the School 7 project; and

WHEREAS, the RJSCB authorized the release of the general construction, mechanical, plumbing and electrical work package at its regular meeting on April 10, 2017 (Resolution 2016-17: 173); and

WHEREAS, the Program Manager received bids on May 4, 2017 per the deadline stipulated in the Request for Bids for the School 7 project, and those bids were subsequently publicly opened and read aloud at the location stated in the Request for Bids; and

WHEREAS, the Program Manager and the Independent Compliance Officer (“ICO”) reviewed the bids submitted for the School 7 project, conducted de-scoping meetings, and concluded that the apparent low bidder is also a qualified and responsible bidder; and

WHEREAS, on May 5, 2017, the Program Manager provided its award recommendation regarding the general construction contract for School 7 to the RJSCB and provided additional information in support of that recommendation on May 17, 2017; and

WHEREAS, at the RJSCB special meeting held on May 25, 2017, following the review and consideration of the recommendations from the Program Manager, Construction Manager and ICO, and after due deliberation by the RJSCB, the RJSCB approved the contract award as follows:

Scope of Work	Name of Contractor	Address	Bid Amount
General Construction	DiPasquale Construction, Inc.	5138 West Ridge Road Spencerport, NY 14559	\$9,885,000.00

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the above-stated recommendations that the contract awards shall be made to the above named firms and bid amounts to provide all equipment, labor, materials, and plant necessary to execute the general construction scope of work associated with the Phase 2a School 7 project; and
2. The RJSCB Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute and deliver an Agreement to the firm named above in substantially the form included in the Request for Bids for the Phase 2a School 7 project, with such changes as the Chair may approve (his/her signature thereon being conclusive evidence of such approval) on the advice of the Program Manager and the RJSCB’s general counsel.

Second by Board Member Cruz

Approved 5-0 with Vice Chair Schmidt away and Member Jones not yet arrived

Resolution 2016-17: 213

Insurance Requirements Waiver for Susan M. Anacker

By Board Member Cruz

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

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

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

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

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

WHEREAS, the John Walton Spencer School No. 16 (“School 16”) is one of the projects included in Phase 2a of the RSMP as provided in the Phase 2 Master Plan; and

WHEREAS, for Phase 2 of the RSMP, the RJSCB established certain insurance coverage limits that needed to be obtained by contractors and subcontractor working on Phase 2 of the RSMP; and

WHEREAS, the Program Manager worked with the Architect of Record and Construction Manager for the School 16 project to prepare a Request for Bids for an asbestos abatement and demolition package for the School 16 project; and

WHEREAS, the RJSCB authorized the release of the asbestos abatement and demolition package at its regular meeting on February 6, 2017 (Resolution 2016-17: 138); and

WHEREAS, the Program Manager received bids on March 20, 2017 per the deadline stipulated in the Request for Bids for the asbestos abatement and demolition package for School 16, and those bids were subsequently publicly opened and read aloud at the location stated in the Request for Bids; and

WHEREAS, the RJSCB approved the award of the abatement and demolition contract to Mark Cerrone, Inc. ("Cerrone") for the School 16 project at its meeting on April 10, 2017 (Resolution 2016-17: 165); and

WHEREAS, the RJSCB subsequently entered into a construction contract with Cerrone dated April 10, 2017 (the "Contract") to perform the scope of services defined in the contract documents as the Abatement and Demolition Contractor's scope of work; and

WHEREAS, in connection with the Contract, Cerrone retained Susan M. Anacker, Professional Land Surveyor, PLLC ("Anacker") as a subcontractor for the School 16 project; and

WHEREAS, Anacker has requested a waiver of the requirement that its umbrella liability insurance policy provide for a 30 day notice of cancellation endorsement on the grounds that such endorsement is not available for said policy and not warranted given the limited services it is providing as a subcontractor; and

WHEREAS, Anacker has provided proof that it meets all of the other insurance requirements for the School 16 project; and

WHEREAS, the RJSCB reviewed and discussed the waiver request at its meeting on May 25, 2017, and, after due deliberation, it approved the waiver request.

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby waives the requirement that Anacker's umbrella liability insurance policy provide for a 30 day notice of cancellation endorsement for the Phase 2 School 16 project.

Second by Board Member Brown

Approved 5-0 with Vice Chair Schmidt away and Member Jones not yet arrived

Communication

Paperless Meetings

The Board discussed saving money by going paperless and agreed that tablets would work better for viewing Board materials. Per Savin's recommendation memo, the Program Manager will proceed with the purchase of the tablets for all members.

Adjournment

Approved at 5:51 pm

Motion by Member Cruz

Second by Member Brown

Approved 6-0 with Vice Chair Schmidt away