

Rochester Joint Schools Construction Board
Special Meeting Minutes
June 16, 2017
7:30 AM

Present

Chairman Allen Williams, Charles Benincasa, Bob Brown, I. Geena Cruz (arrived 7:47 am) and Thomas Richards. Vice Chair Michael Schmidt, Norman Jones, and ICO Brian Sanvidge were away. Also present: General Counsel Greg McDonald and Program Managers Pépin Accilien and Roland Coleman from Savin.

Chairman Williams convened the meeting at 7:37 am.

Action Items

Resolution 2016-17: 228

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

The RJSCB confirmed the motion, second, and approval made on June 7, 2017.

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

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

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

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

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

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

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

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

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

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

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

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

WHEREAS, at its June 1, 2017 meeting, the Committee considered and discussed the recommended awards and, after due deliberation, the Committee, contingent on approval of the DFTLC project from the New York State Education Department, approved the contract awards as follows (Resolution 2016-17: 224):

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

WHEREAS, the New York State Education Department approved the general construction, mechanical, electrical and plumbing package for Phase 2b DFTLC project on June 12, 2017.

THEREFORE, BE IT RESOLVED:

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

Resolution 2016-17: 229

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

The RJSCB confirmed the motion, second, and approval made on June 7, 2017.

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

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

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

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

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

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

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

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

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

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

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

WHEREAS, at the RJSCB regular meeting held on June 7, 2017, following the review and consideration of the recommendations from the Program Manager, Construction Manager and ICO, and after due deliberation by the RJSCB, contingent on approval of the project from the New York State Education Department, approved the contract award as follows (Resolution 2016-17: 225):

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

WHEREAS, the New York State Education Department approved the Demolition and Abatement package for Phase 2b School 1/15 project on June 12, 2017.

THEREFORE, BE IT RESOLVED:

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

Resolution 2016-17: 230
Contract Award – RSMP Warehouse Move Services

By Board Member Richards

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

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

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

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

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

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

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

WHEREAS, the Program Manager received one bid on April 28, 2017 per the deadline stipulated in the Request for Bids, and the bid was subsequently publicly opened and read aloud at the location stated in the Request for Bids; and

WHEREAS, the Program Manager and the Move Management Consultant have reviewed the sole bid, conducted de-scoping meeting of the lowest bidder and made assessments on the sufficiency of staffing for the moves, and concluded that Clark Moving & Storage, Inc. is the lowest responsive and responsible bidder that is qualified and capable to perform the scope of work package and is also a qualified and responsible bidder; and

WHEREAS, at the special meeting held on June 16, 2017, following the review and consideration of the recommendations from the Program Manager and Move Management Consultant, and after due deliberation by the Board, the Board approved the contract award to:

<u>Scope of Work</u>	<u>Name of Contractor</u>	<u>Address</u>	<u>Bid Amount</u>
RSMP Warehouse Move Services	Clark Moving & Storage, Inc.	3680 Buffalo Road, Rochester, NY 14624	\$15,440.00

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the recommendation of the Program Manager and Move Management Consultant that a contract award shall be made to Clark Moving & Storage, Inc. in the amount of \$15,440.00 to provide all equipment, labor, materials, and plant necessary to execute the scope of work associated with the RSMP Warehouse move; and
2. The RJSCB Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute and deliver a Purchase Order to Clark Moving & Storage, Inc. in substantially the form included in the Request for Bids, with such changes as the Chair may approve (his/her signature thereon being conclusive evidence of such approval) on the advice of the Program Manager and the RJSCB’s general counsel.

Second by Board Member Brown

Approved 4-0 with Vice Chair Schmidt and Member Jones away and Member Cruz not yet arrived

Resolution 2016-17: 231

Adjustment of Scope to Phase 2b Project at Dr. Freddie Thomas Learning Center and Transfer of \$850,000 to Phase 2a Project at School No. 7

By Board Member Richards

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 2a of the RSMP as provided in the Phase 2 Master Plan; and

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

WHEREAS, Phase 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), which bid documents contained certain alternates; 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, which included bids for the specified alternates, as applicable, 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 mechanical contract to John W. Danforth Company ("Danforth"), the electrical contract to Eastcoast Electric, LLC ("Eastcoast") and the plumbing contract to Michael A. Ferrauilo Plumbing & Heating, Inc. ("Ferrauilo") for the School 7 project in Phase 2a (Resolution 2016-17: 205); and

WHEREAS, the RJSCB approved the award of the general contractor contract to DiPasquale Construction, Inc. ("DCI") for the School 7 project in Phase 2a (Resolution 2016-17: 212); and

WHEREAS, the RJSCB thereafter entered into a contracts with DCI, Danforth, Eastcoast and Ferrauilo to perform the scope of services defined in the contract documents as the scope of work of the general contractor,

mechanical contractor, electrical contractor and plumbing contractor, respectively (collectively, the “Contracts”); and

WHEREAS, following the execution of the Contracts, the District’s Department of Educational Facilities and the RSMP Program Manager identified various additional high priority alternates for the Phase 2a project work at School 7 – i.e., Alternates #1, #2, #3, #4, #8, #9 and #10 (the “Alternates”); and

WHEREAS, the District’s Board of Education approved the transfer of \$850,000 from the Phase 2b project at DFTLC to the Phase 2a project at School 7 to fund the cost of the Alternates (Board of Education Resolution 2016-17: 833); and

WHEREAS, the School 7 Construction Manager and the Program Manager believe that the pricing of the Alternates is appropriate and the Contract Time will not be increased by this additional work; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB that the Contracts should be amended to add the Alternates for a total increase to the Contracts of \$844,860.00; and

WHEREAS, the RJSCB considered and discussed the District’s Board of Education Resolution 2016-17: 883 and the Program Manager’s recommendation at its June 16, 2017 special meeting and, after due deliberation, it approved the recommendation to transfer the sum of \$850,000 from the Phase 2b DFTLC project to the Phase 2a project at School 7 to fund the cost of the Alternates.

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the transfer of the sum of \$850,000 from the Phase 2b DFTLC project to the Phase 2a project at School 7 to fund the cost of the Alternates;
2. The RJSCB’s Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute Change Orders to the Contracts 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; and
3. The Program Manager is hereby authorized to work with the DFTLC consultants to recommend to the Board reductions in scope of the DFTLC project to account for the reduction of the DFTLC project budget as provided for herein.

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

**Resolution 2016-17: 232
Change Order #1 to DiPasquale Construction, Inc. Contract (School 7)**

By Board Member Richards

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 2a of the RSMP as provided in the Phase 2 Master Plan; and

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

WHEREAS, the RJSCB approved the award of the general contractor contract to DiPasquale Construction, Inc. (“DCI”) for the School 7 project in Phase 2a (Resolution 2016-17: 212); and

WHEREAS, the RJSCB entered into a contract with DCI (Resolution 2016-17: 212) dated May 25, 2017 (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, the District’s Department of Educational Facilities and the RSMP Program Manager identified various additional high priority alternates for the Phase 2a project work at School 7 – i.e., Alternates #1, #2, #3, #4, #8, #9 and #10 (the “Alternates”); and

WHEREAS, the District’s Board of Education approved the transfer of \$850,000 from the Phase 2b project at DFTLC to the Phase 2a project at School 7 to fund the cost of the Alternates (Board of Education Resolution 2016-17: 833); and

WHEREAS, DCI’s bid included prices for the Alternates, and the Program Manager, along with the District’s Department of Educational Facilities, identified and recommended acceptance of the Alternates to the RJSCB for the School 7 project; and

WHEREAS, Change Order #1 includes the following alternates:

1.	Alternate #1 – Enlarged Stage	\$118,000.00
2.	Alternate #2 – Roofing	\$142,000.00
3.	Alternate #3 – Window Glazing	\$152,000.00
4.	Alternate #4 – Elevator Modernization	\$122,500.00
5.	Alternate #8 – Playground	\$237,137.00
6.	Alternate #9 – Gym Floor Refinish	\$17,200.00
7.	Alternate #10- Replace Asphalt in Receiving Area Lot	\$40,000.00

The Total amount of Change Order #1 is \$828,837.00; and

WHEREAS, the School 7 Construction Manager and the Program Manager believe that the pricing of the above Alternates is appropriate and the Contract Time will not be increased by this additional work; and

WHEREAS, the Program Manager thereafter recommended to the Board that DCI’s Contract should be amended to add these scope items for an increase in the Contract Sum of \$828,837.00; and

WHEREAS, the Board considered and discussed the Program Manager’s recommendation at its June 16, 2017 special meeting and, after due deliberation, it approved the request to amend the Contract.

THEREFORE, BE IT RESOLVED:

1. The proposed Change Order to DCI’s Contract between the Board and Contractor dated May 25, 2017 in the amount of \$828,837.00 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 Brown

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

**Resolution 2016-17: 233
Change Order #1 to M.A. Ferrauilo Contract (School 7)**

By Board Member Richards

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 2a of the RSMP as provided in the Phase 2 Master Plan; and

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

WHEREAS, the RJSCB approved the award of the plumbing contractor contract to Michael A. Ferrauilo Plumbing & Heating, Inc. (“Ferrauilo”) for the School 7 project in Phase 2a (Resolution 2016-17: 205); and

WHEREAS, the RJSCB entered into a contract with Ferrauilo (Resolution 2016-17: 205) dated May 16, 2017 (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, the District’s Department of Educational Facilities and the RSMP Program Manager identified various additional high priority alternates for the Phase 2a project work at School 7 – i.e., Alternates #1, #2, #3, #4, #8, #9 and #10 (the “Alternates”); and

WHEREAS, the District’s Board of Education approved the transfer of \$850,000 from the Phase 2b project at DFTLC to the Phase 2a project at School 7 to fund the cost of the Alternates (Board of Education Resolution 2016-17: 833); and

WHEREAS, Ferrauilo's bid included prices for the applicable Alternates, and the Program Manager, along with the District’s Department of Educational Facilities, identified and recommended acceptance of the Alternates to the RJSCB for the School 7 project; and

WHEREAS, Change Order #1 includes the following alternates:

1. Alternate #4 – Elevator Modernization	\$4,000.00
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The Total amount of Change Order #1 is \$4,000.00; and

WHEREAS, the School 7 Construction Manager and the Program Manager believe that the pricing of the above Alternate is appropriate and the Contract Time will not be increased by this additional work; and

WHEREAS, the Program Manager thereafter recommended to the Board that Ferrauilo’s Contract should be amended to add this scope item for an increase in the Contract Sum of \$4,000.00; and

WHEREAS, the Board considered and discussed the Program Manager's recommendation at its June 16, 2017 special meeting and, after due deliberation, it approved the request to amend the Contract.

THEREFORE, BE IT RESOLVED:

1. The proposed Change Order to Ferraulo's Contract between the Board and Contractor dated May 16, 2017 in the amount of \$4,000.00 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 Brown
Approved 5-0 with Vice Chair Schmidt and Member Jones away**

**Resolution 2016-17: 234
Change Order #1 to John W. Danforth Contract (School 7)**

By Board Member Richards

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 2a of the RSMP as provided in the Phase 2 Master Plan; and

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

WHEREAS, the RJSCB approved the award of the mechanical contractor contract to John W. Danforth Company ("Danforth") for the School 7 project in Phase 2a (Resolution 2016-17: 205); and

WHEREAS, the RJSCB entered into a contract with Danforth (Resolution 2016-17: 205) dated May 16, 2017 (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, the District's Department of Educational Facilities and the RSMP Program Manager identified various additional high priority alternates for the Phase 2a project work at School 7 – i.e., Alternates #1, #2, #3, #4, #8, #9 and #10 (the "Alternates"); and

WHEREAS, the District's Board of Education approved the transfer of \$850,000 from the Phase 2b project at DFTLC to the Phase 2a project at School 7 to fund the cost of the Alternates (Board of Education Resolution 2016-17: 833); and

WHEREAS, Danforth's bid included prices for the applicable Alternates, and the Program Manager, along with the District's Department of Educational Facilities, identified and recommended acceptance of the Alternates to the RJSCB for the School 7 project; and

WHEREAS, Change Order #1 includes the following alternates:

1. Alternate #4 – Elevator Modernization \$1,000.00

The Total amount of Change Order #1 is \$1,000.00; and

WHEREAS, the School 7 Construction Manager and the Program Manager believe that the pricing of the above Alternate is appropriate and the Contract Time will not be increased by this additional work; and

WHEREAS, the Program Manager thereafter recommended to the Board that Danforth's Contract should be amended to add this scope item for an increase in the Contract Sum of \$1,000.00; and

WHEREAS, the Board considered and discussed the Program Manager's recommendation at its June 16, 2017 special meeting and, after due deliberation, it approved the request to amend the Contract.

THEREFORE, BE IT RESOLVED:

1. The proposed Change Order to Danforth's Contract between the Board and Contractor dated May 16, 2017 in the amount of \$1,000.00 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 Brown

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

Resolution 2016-17: 235

Change Order #1 to Eastcoast Electric, LLC Contract (School 7)

By Board Member Richards

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 2a of the RSMP as provided in the Phase 2 Master Plan; and

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

WHEREAS, the RJSCB approved the award of the electrical contractor contract to Eastcoast Electric, LLC (“Eastcoast”) for the School 7 project in Phase 2a (Resolution 2016-17: 205); and

WHEREAS, the RJSCB entered into a contract with Eastcoast (Resolution 2016-17: 205) dated May 16, 2017 (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, the District’s Department of Educational Facilities and the RSMP Program Manager identified various additional high priority alternates for the Phase 2a project work at School 7 – i.e., Alternates #1, #2, #3, #4, #8, #9 and #10 (the “Alternates”); and

WHEREAS, the District’s Board of Education approved the transfer of \$850,000 from the Phase 2b project at DFTLC to the Phase 2a project at School 7 to fund the cost of the Alternates (Board of Education Resolution 2016-17: 833); and

WHEREAS, Eastcoast’s bid included prices for the applicable Alternates, and the Program Manager, along with the District’s Department of Educational Facilities, identified and recommended acceptance of the Alternates to the RJSCB for the School 7 project; and

WHEREAS, Change Order #1 includes the following alternates:

- | | |
|---|-------------|
| 1. Alternate #4 – Elevator Modernization | \$11,023.00 |
| The Total amount of Change Order #1 is \$11,023.00; and | |

WHEREAS, the School 7 Construction Manager and the Program Manager believe that the pricing of the above Alternate is appropriate and the Contract Time will not be increased by this additional work; and

WHEREAS, the Program Manager thereafter recommended to the Board that Eastcoast’s Contract should be amended to add this scope item for an increase in the Contract Sum of \$11,023.00; and

WHEREAS, the Board considered and discussed the Program Manager’s recommendation at its June 16, 2017 special meeting and, after due deliberation, it approved the request to amend the Contract.

THEREFORE, BE IT RESOLVED:

1. The proposed Change Order to Eastcoast’s Contract between the Board and Contractor dated May 16, 2017 in the amount of \$11,023.00 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 Brown
Approved 5-0 with Vice Chair Schmidt and Member Jones away

Resolution 2016-17: 236
Amendment #1 to Clark Patterson Lee Agreement – Phase 2 SEQRA Consulting Services

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 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 approved the selection of Clark Patterson Lee ("Clark Patterson") as the SEQRA consultant in Phase 1 (Resolution 2010-11: 18); and

WHEREAS, the RJSCB entered into an agreement with Clark Patterson (Resolution 2010-11: 18) dated November 23, 2010 for Phase 1 SEQRA services; and

WHEREAS, the RJSCB approved the extension of the services of Clark Patterson for Phase 2 of the RSMP, and the RJSCB subsequently entered into an agreement with Clark Patterson (Resolution 2015-16: 83) dated December 14, 2015 ("Agreement") for professional SEQRA consulting services for the Phase 2 of the RSMP; and

WHEREAS, following the execution of the Agreement, the Program Manager requested, and cost proposals were then obtained and reviewed, for additional services to address questions from the New York State Historic Preservation Office regarding Monroe High School; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB that the Agreement should be amended to adjust the original not-to-exceed allowance and add additional scope items in the total amount of \$3,271.95 to Exhibit I of the Agreement and that this amount shall be treated as a not-to-exceed allowance under Section 11.1.1 of the Agreement; and

WHEREAS, the Board considered and discussed the Program Manager's recommendation at its June 16, 2017 meeting, and after due deliberation, it approved the recommendation to amend the Agreement.

THEREFORE, BE IT RESOLVED:

1. The proposed amendment to the Agreement between the Board and Consultant dated December 14, 2015, as set forth above is hereby approved, increasing the total amount of the agreement by the not-to-exceed amount of \$3,271.95; and
2. The RJSCB's Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute an amendment to the Agreement that is consistent with this approval and in an acceptable form to the Chair upon the advice of the RJSCB's general counsel.

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

**Resolution 2016-17: 237
Amendment #4 to MEH Consulting, LLC Agreement – Virgil I. Grissom School No. 7 (Phase 2a)**

By Board Member Brown

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

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

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

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

WHEREAS, the RJSCB issued a Request for Proposals ("RFP") for Environmental Monitoring Agent Services (Resolution 2016-17: 30), which included work at the first projects in Phase 2a; and

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

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

WHEREAS, following the execution of the Agreement, the Program Manager requested, and cost proposals were then obtained and reviewed, for additional services made necessary by the delayed completion of the Phase 1 (Part A) abatement activities at School 7; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB that the Agreement should be amended to adjust the original not-to-exceed allowance and add additional scope items in the total amount of \$11,978.07 to Exhibit I of the Agreement and that this amount shall be treated as a not-to-exceed allowance under Section 11.1.1 of the Agreement; and

WHEREAS, the Board considered and discussed the Program Manager’s recommendation at its June 16, 2017 meeting, and after due deliberation, it approved the recommendation to amend the Agreement.

THEREFORE, BE IT RESOLVED:

1. The proposed amendment to the Agreement between the Board and Consultant dated September 12, 2016, as set forth above is hereby approved, increasing the total amount of the agreement by the not-to-exceed amount of \$11,978.07; and
2. The RJSCB’s Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute an amendment to the Agreement that is consistent with this approval and in an acceptable form to the Chair upon the advice of the RJSCB’s general counsel.

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

**Resolution 2016-17: 238
Contract Award – Roof Replacement Contract – East High School (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 East High School (“East”) is one of the projects included in Phase 2a of the RSMP as provided in the Phase 2 Master Plan; and

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

WHEREAS, the RJSCB authorized the release of the Roof Replacement bidding documents package at its regular meeting on May 8, 2017 (Resolution 2016-17: 195); and

WHEREAS, the Program Manager received a single bid on June 8, 2017 per the deadline stipulated in the Request for Bids for the East project, and that bid was subsequently publicly opened and read aloud at the location stated in the Request for Bids; and

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

WHEREAS, on June 15, 2017, the Program Manager, Construction Manager and ICO provided their award recommendations regarding the Roof Replacement contract for East to the RJSCB; and

WHEREAS, at the RJSCB special meeting held on June 16, 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:

<u>Scope of Work</u>	<u>Name of Contractor</u>	<u>Address</u>	<u>Bid Amount</u>
Roof Replacement	Steve General Contractor, Inc.	3774 Telephone Road Caledonia, NY 14423	\$798,000.00

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the above-stated recommendations that the contract award shall be made to the above named firm and bid amount to provide all equipment, labor, materials, and plant necessary to execute the Roof Replacement scope of work associated with the Phase 2a East High School project;
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 East High School 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; and

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

Communication

School 50-B

Mark AuClair stated that the project’s bidding period will be extended due to additional Contractors expressing interest this week, and that the award recommendation will come to the Board at their July meeting.

Adjournment

Approved at 8:31 am

Motion by Member Benincasa
Second by Member Brown
Approved 5-0 with Vice Chair Schmidt and Member Jones away