

**Rochester Joint Schools Construction Board  
Minutes  
October 5, 2015  
4:30 PM**

**Present**

Chair Tom Richards, Charles Benincasa, Joe Brown (arrived at 5:20 pm), José Coronas, Allen Williams, Wayne Williams, and ICO Brian Sanvidge. Vice Chair Bob Brown was away. Also present were: Executive Director Tom Renauto, General Counsel Peter Abdella, and Program Managers Tom Rogér from Gilbane and Pepin Accilien from Savin.

**Chair Richards convened the meeting at 4:34 pm**

**Approval of Minutes**

Monthly Meeting held on September 14, 2015

Motion by Member W. Williams

Second by Member Benincasa

Approved 5-0 with Members B. Brown away and J. Brown not yet present

**Action Items**

**Resolution 2015-16: 46**

**Amendment #1 to Chaintreuil Jensen Stark Architects, LLP – Monroe High School (Phase 2)**

**By Board Member Coronas**

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 Superintendent has identified and confirmed several projects for Phase 2 of the RSMP for which the District would like the RSJCB to begin design work immediately, in parallel to the work being done on the Master Plan for Phase 2, and in advance of formal Board of Education and New York State Comptroller approval; and

WHEREAS, the RJSCB recognized that in order to maintain the proposed Phase 2 activity schedule it was necessary to engage the design services for these Early Start Projects immediately; and

WHEREAS, as permitted by the Phase 2 legislation, the RJSCB extended the services of certain architectural firms which are most familiar with the Early Start Project buildings, having performed the Phase 1 designs associated with those buildings; and

WHEREAS, the RJSCB approved the selection of Chaintreuil Jensen Stark Architects, LLP (“CJS”) as the Architect for the Monroe High School project in Phase I (Resolution 2011-12: 39); and

WHEREAS, the RJSCB approved the selection of CJS as the Architect for the Monroe High School project in Phase 2 (Resolution 2014-15: 216); and

WHEREAS, the RJSCB entered into an agreement with CJS (Resolution 2014-15: 216) dated June 2, 2015, entitled Agreement Between Board and Architect (the “Agreement”); and

WHEREAS, following the execution of the Agreement, CJS, along with the Program Manager, identified the need for additional scopes of design work, and cost proposals were then obtained for these additional scope items and provided to the Program Manager for review; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB’s MWBE and Services Procurement Committee (the “Committee”) that CJS’s Agreement should be amended to add these additional scope items in the total amount of \$74,175 to Exhibit I of the Agreement and that this amount shall be treated as a not-to-exceed allowance under Section 11.1.1 of the Agreement; and

WHEREAS, the Committee considered and discussed the Program Manager’s recommendation at its October 1, 2015 meeting, and after due deliberation, it approved the request to amend the Agreement;

THEREFORE, BE IT RESOLVED:

1. The proposed amendment to the Chaintreuil Jensen Stark Architects Agreement between Board and Architect dated June 2, 2015 as set forth above is hereby approved; and
2. The RJSCB’s Chair is hereby authorized in the name and on behalf of the RJSCB, to execute an amendment to the 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 Benincasa**

**Approved 5-0 with Members B. Brown away and J. Brown not yet present**

**Resolution 2015-16: 47**

**Amendment #19 to Chaintreuil Jensen Stark Architects, LLP – Monroe High School**

**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 Chaintreuil Jensen Stark Architects, LLP (“CJS”) as the Architect for the Monroe High School project in Phase I (Resolution 2011-12: 39); and

WHEREAS, the RJSCB entered into an agreement with CJS (Resolution 2011-12: 39) dated November 15, 2011, entitled Agreement Between Board and Architect (the “Agreement”); and

WHEREAS, following the execution of the Agreement, CJS, along with the Program Manager, identified the need for additional scopes of design work, and cost proposals were then obtained for these additional scope items and provided to the Program Manager for review; and

WHEREAS, the Program Manager recommends re-allocating remaining funds from Amendment 2 (Resolution 2012-13: 60) and applying these funds to the cost of the the August 26, 2015 proposal from CJS Architects for the removal and disposal of contaminated soil and underground storage tanks; and

WHEREAS, the amount proposed for this work is \$9,678.31 and there is an existing balance of \$12,264.40 from Amendment 2; and

WHEREAS, once authorized, this would leave a balance of \$2,586.09 remaining in Amendment 2 funding; and

WHEREAS, there is no net increase in the contract value as a result of this additional service; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that CJS's Agreement should be amended to add this scope of work to Exhibit I of the Agreement, to re-allocate funding from Amendment 2, and that this amount shall be treated as a not-to-exceed allowance under Section 11.1.1 of the Agreement; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its October 1, 2015 meeting, and after due deliberation, it approved the request to amend the Agreement;

THEREFORE, BE IT RESOLVED:

1. The proposed amendment to the Chaintreuil Jensen Stark Architects Agreement between Board and Architect dated November 15, 2011 as set forth above is hereby approved; and
2. The RJSCB's Chair is hereby authorized in the name and on behalf of the RJSCB, to execute an amendment to the Agreement that is consistent with this approval and in an acceptable form to the Chair upon the advice of the Program Manager and the RJSCB's general counsel.

**Second by Board Member A. Williams**

**Approved 5-0 with Members B. Brown away and J. Brown not yet present**

#### **Resolution 2015-16: 48**

#### **Supplemental FF&E Purchase Order – Phase 1 Projects**

**By Board Member Coronas**

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 a request for bids ("Request for Bids") package for Furniture, Fixtures, and Equipment ("FF&E") (Resolution 2012-13: 124); and

WHEREAS, the Request for Bids included FF&E items categorized into eleven primary groups and several non-grouped items; and

WHEREAS, the RJSCB awarded the following groups to FM Resources: Group 4 – Conference Furniture, Group 5 – Desks, Group 6 – Lounge Furniture, Group 9 – Storage, and Group 11 Task Seating (Resolution 2012-13: 162); and

WHEREAS, the RJSCB awarded the following groups to School Specialty, Inc.: Group 1 – Activity Tables, Group 2 – Art Room, and non-grouped items: Carpet (solid), Cubby Units, Sand and Water Table, Computer Tables, First Aid Couch, Metal Shelving, and Podium (Resolution 2012-13: 166); and

WHEREAS, the RJSCB awarded the following groups to Facilities Equipment and Service, Inc.: Group 3 – Cafeteria Tables and Group 7 – Library Furniture (Resolution 2012-13: 166); and

WHEREAS, the RJSCB awarded the following groups to Hertz Furniture: Group 8 – Music Furniture, Group 10 – Student Furniture, and non-grouped items: Carpet (elementary)(Resolution 2012-13: 166); and

WHEREAS, in the fall of 2014, the District requested additional work at East High School related to their partnership with University of Rochester and directed and authorized the RJSCB to reallocate funds from the Monroe High School project budget for this purpose; and

WHEREAS, the RJSCB approved an amendment to the Agreement with Cannon in January 2015 (Resolution 2014-15: 153) for design and construction administration services related to the University of Rochester's program at East High School (the "Make Ready Project"); and

WHEREAS, the RJSCB received approval of the Make Ready Project from the Superintendent and his senior cabinet at a meeting on March 3, 2015; and

WHEREAS, the University of Rochester recently requested an exam table for the nurse's office in support of the new program being implemented at East High School; and

WHEREAS, the District has authorized the RJSCB to spend the funds necessary to purchase the new exam table for East High School in support of the University of Rochester's program; and

WHEREAS, the Program Manager has evaluated the budget associated with the East Make Ready project and determined that there are sufficient funds available within the current budget to make the purchase; and

WHEREAS, the Executive Director has informed the District that FF&E purchases associated with the East Make Ready project are unlikely to receive building aid due to State Education Department guidelines which state that FF&E purchases will only be eligible for building aid if the project is categorized as either new construction or a gut renovation, which the East Make Ready project is not; and

WHEREAS, the District has responded to the Executive Director with authorization to spend local share dollars to make this FF&E purchase; and

WHEREAS, at its October 1, 2015 meeting, the MWBE Procurement and Services Committee considered the recommendation of the Move Manager and the Program Manager to make the additional FF&E purchase and approved the additional FF&E purchase order to the firm as set forth in the table below:

SUMMARY of SUPPLEMENTAL FURNITURE PURCHASE

<b>Firm</b>	<b>Total Award</b>
School Specialty	\$609.09

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the recommendation of the Move Manager that a supplemental Purchase Order shall be issued to the above named firm, in the amount specified to provide the necessary Furniture, Fixtures, and Equipment (delivered and installed at point of use) for the East Make Ready project in Phase 1 of the RSMP; and
2. The RJSCB Chair is hereby authorized, to execute and deliver a Purchase Order to the firm named above, in substantially the form included in the Request for Bids for the Furniture, Fixtures, and Equipment with such changes as the Chair may approve (the Chair's 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 Benincasa**

**Approved 5-0 with Members B. Brown away and J. Brown not yet present**

**Resolution 2015-16: 49**

**Change Order #10 and #11 to LeChase Construction (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 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 #10 includes the following item:

1. Changes to door hardware in the amount of \$4,295.53
- The Total amount of Change Order #10 is \$4,295.53; and

WHEREAS, Change Order #11 includes the following item:

1. Change kitchen equipment at the request of the District for the amount of \$6,905.81
- The Total amount of Change Order #11 is \$6,905.81; and

WHEREAS, the Construction Manager and the Program Manager believe that the change order work was 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 Construction Services' Contract should be amended to add these scope items for a total of \$11,201.34; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its October 1, 2015 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

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

**Second by Board Member A. Williams**

**Approved 5-0 with Members B. Brown away and J. Brown not yet present**

**Resolution 2015-16: 50**

**Change Order #1, #2, and #3 to Hewitt Young Electric (School 12)**

**By Board Member W. Williams**

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 #1 includes the following item:

1. Provide power for the fire alarm panel for the amount of \$590.40

The Total amount of Change Order #1 is \$590.40; and

WHEREAS, Change Order #2 includes the following item:

1. Provide removal of switches and lights for the amount of \$487.73  
The Total amount of Change Order #2 is \$487.73; and

WHEREAS, Change Order #3 includes the following item:

1. Changes type FA light fixture for the amount of \$0  
The Total amount of Change Order #3 is \$0; and

WHEREAS, the Construction Manager and the Program Manager believe that the change order work was 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 Hewitt Young Electrical's Contract should be amended to add these scope items for a total of \$1,078.13; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its October 1, 2015 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

1. The proposed Change Orders to Hewitt Young Electrical's Contract between the Board and Contractor dated March 17, 2015 as set forth above are hereby approved; and
2. The RJSCB's Chair is hereby authorized in the name and on behalf of the RJSCB, to execute Change Orders to the Contract that are consistent with this approval and in an acceptable form to the Chair upon the advice of the Program Manager and the RJSCB's general counsel.

**Second by Board Member Benincasa**

**Approved 5-0 with Members B. Brown away and J. Brown not yet present**

**Resolution 2015-16: 51**

**Change Order #16, #17, and #18 to MA Ferrauilo (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 plumbing contractor contract to Michael A. Ferrauilo Plumbing and Heating Inc., ("MA Ferrauilo") for the School 12 project in Phase I (Resolution 2014-15: 200); and

WHEREAS, the RJSCB entered into a contract with MA Ferrauilo (Resolution 2014-15: 200) dated March 9, 2015 (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, MA Ferrauilo, 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 #16 includes the following item:

1. Provide a second sprinkler riser, valves, and flow switch for the amount of \$14,756.72
- The Total amount of Change Order #16 is \$14,756.72; and

WHEREAS, Change Order #17 includes the following item:

1. Change water fountain per District request for the amount of \$1,813
- The Total amount of Change Order #17 is \$1,813; and

WHEREAS, Change Order #18 includes the following item:

1. Cut and cap existing lines, add valves and access panels for the amount of \$2,642.36
- The Total amount of Change Order #18 is \$2,642.36; and

WHEREAS, the Construction Manager and the Program Manager believe that the change order work was 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 Ferraulo's Contract should be amended to add these scope items for a total of \$19,212.08; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its October 1, 2015 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

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

**Second by Board Member A. Williams**

**Approved 5-0 with Members B. Brown away and J. Brown not yet present**

**Resolution 2015-16: 52**

**Change Order #10 to Mark Cerrone Inc. (School 12 Demo and Abatement)**

**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 demo and abatement contractor contract to Mark Cerrone Inc., ("Cerrone") for the School 12 project in Phase I (Resolution 2014-15: 107); and

WHEREAS, the RJSCB entered into a contract with Cerrone (Resolution 2014-15: 107) dated November 3, 2014 (the "Contract"), to perform the scope of services defined in the contract documents as the demo and abatement contractor's scope of work; and

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

WHEREAS, Change Order #10 includes the following item:

1. Remove asbestos vapor barrier in the 2<sup>nd</sup> and 3<sup>rd</sup> floor toilet rooms (8) for the amount of \$39,997.01  
The Total amount of Change Order #9 is \$39,997.01; and

WHEREAS, the Construction Manager and the Program Manager believe that the change order work was necessary, the pricing is appropriate and the contract time will not be increased by the addition of this work; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that Mark Cerrone Inc.'s Contract should be amended to add these scope items for a total of \$39,997.01; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its October 1, 2015 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

1. The proposed Change Order to Mark Cerrone Inc.'s Contract between the Board and Contractor dated November 3, 2014 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 Coronas**

**Approved 5-0 with Members B. Brown away and J. Brown not yet present**

**Resolution 2015-16: 53**

**Change Order #1 to Eastcoast Electric, LLC (Monroe)**

**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 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 #1 includes the following item:

1. Provide power and data at Marshall swing space room 139 for the amount of \$8,887  
The Total amount of Change Order #1 is \$8,887; and

WHEREAS, the Construction Manager and the Program Manager believe that the change order work was 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 Electric, LLC's Contract should be amended to add these scope items for a total of \$8,887; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its October 1, 2015 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

1. The proposed Change Order to Eastcoast Electric, LLC'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 Coronas**

**Approved 5-0 with Members B. Brown away and J. Brown not yet present**

**Resolution 2015-16: 54**

**Pay Requisition Summary Acceptance (September 2015)**

**By Board Member W. Williams**

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 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 Rochester Schools Modernization Program Phase 1b projects were deposited in the Trustee’s account on June 6, 2013; and

WHEREAS, the COMIDA issued bond proceeds for the Rochester Schools Modernization program Phase 1c projects were deposited in the Trustee’s account on February 4, 2015; and

WHEREAS, Excel Aid funding associated with the Rochester Schools Modernization Program 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 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 \$4,230,876.83 including all invoices to be paid by the Trustee using bond proceeds and those invoices to be paid by the District using Excel Aid funding, to the RJSCB Board Chair with copy to the full Board on September 24, 2015; and

WHEREAS, the RJSCB Board Chair approved the Pay Requisition Summary on September 24, 2015; and

WHEREAS, the RJSCB’s Executive Director reviewed the regular monthly Pay Requisition Summary with the RJSCB’s Finance Committee at its meeting on October 1, 2015;

THEREFORE, BE IT RESOLVED:

1. The Rochester Joint Schools Construction Board hereby accepts the regular monthly Pay Requisition Summary for the month of September 2015 in the amounts stated above and as shown in the Summary sheets attached to this Resolution.

**Second by Board Member A. Williams**  
**Approved 5-0 with Members B. Brown away and J. Brown not yet present**

### **Communications**

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

- Phase 1c projects: Work is proceeding at School 12 and Monroe. School 12 – the Library and Rec Center are going well and are ahead of schedule. Steel is ongoing, finishes have started, and the overall project is tracking on schedule. Monroe – Demo is ahead of schedule, site work has been slowed down by the underground tank removal, pre-installation steel discussions are taking place, electrical demo is going, and overall project is tracking on schedule. Phase 2 work will dovetail Phase 1. East Summer Project – project was completed on time and punchlist work is ongoing.

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

- 92% submissions received for the August reporting period.
- 97.9% of all data requested has been received and approved (January 2014 through August 2015).
- Overall Workforce (EEO) Participation: Minority @ 22.76% (goal is 20%) and Women @ 7.43% (goal is 6.9%).
- Overall Business Participation: Minority @ 15.32% (goal is 15%), Women @ 7.07% (goal is 5%), Disadvantaged @ 2.18% (goal is 2%) and Small @ 3.66% (goal is 5%).
- Rochester Residents: 109 of the 208 workers for the August reporting period (or 52%).

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

- Overall Budget Update: There is still a good amount of contingency remaining, about \$7.3 million, including owners contingency which has increased from \$1.4 million to 1.5 million following close-out of several projects.

The MWBE and Services Procurement Committee Report for October 1, 2015 is included in the Members packets.

The Finance Committee Report for October 1, 2015 is included in the Members packets.

### **Executive Session**

Motion by Member Benincasa  
Second by Member W. Williams  
Approved 5-0 at 5:11pm with Member B. Brown away and Member J. Brown not yet present

Chair Tom Richards reconvened the Open Public meeting at 5:25pm

**Resolution 2015-16: 55**

**Phase 2 Program Manager - Rescind Prior Resolution and Select New Firm**

**By Board Member J. Brown**

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 a District Wide Technology program which involves technology upgrades and infrastructure work at several of the possible projects; and

WHEREAS, the legislation for Phase 2 of the RSMP states that "the contracts of the Program Manager and the independent Compliance Officer for Phase Two will be rebid, and provided further that the Program Manager and the Independent Compliance Officer and any new or different providers of professional services shall be engaged in compliance with the provisions of Section Eight of this Act"; and

WHEREAS, the legislation for Phase 2 of the RSMP also states "prior to issuance of the contract [by the RJSCB], the program manager selected shall be approved by the Superintendent, the Mayor, City Council and the Rochester City School District"; and

WHEREAS, the RJSCB conducted a national search for a program manager to perform the program management services for Phase 2, using a process that included a request for proposals and interviews; and

WHEREAS, at a special meeting on September 2, 2015, the RJSCB recommended the firm DeWolff Epic LLC to be the Phase 2 Program Manager, but this was subject to the Superintendent, the Mayor, City Council, and the Rochester City School District (the "Board of Education") issuing their approval for the RJSCB to enter into contract negotiations and it was subject to the RJSCB entering into an acceptable final agreement with DeWolff Epic LLC, (Resolution 2015-16: 26); and

WHEREAS, as of September 2, 2015, the Superintendent, the Mayor and the Board of Education had approved the commencement of exclusive contract negotiations with DeWolff Epic LLC, but City Council had not yet issued its approval; and

WHEREAS, pending action by City Council, the RJSCB did not commence any negotiations with DeWolff Epic LLC; and

WHEREAS, City Council tabled its proposed resolution concerning DeWolff Epic LLC and, to date, has taken no further action; and

WHEREAS, the RJSCB, along with invited representatives from the Superintendent's office, the Mayor's office, City Council and the Board of Education, then held additional executive sessions to deliberate further on the program manager selection and conduct additional interviews; and

WHEREAS, after due deliberation and further consultation with the invited representatives, the RJSCB now proposes to take the actions set forth in the resolutions below;

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby rescinds Resolution 2015-16: 26; and
2. The RJSCB hereby recommends that it commence exclusive contract negotiations with the firm Savin Engineers, P.C., to provide program management services for Phase 2 of the RSMP; and
3. The RJSCB's recommendation is subject to the Superintendent, the Mayor, City Council and the Board of Education issuing their approval for the RJSCB to enter into exclusive contract negotiations with Savin Engineers, P.C.; and
4. Following the approval of the Superintendent, the Mayor, City Council, and the Board of Education, the RJSCB Chair, with the advice of the RJSCB's general counsel, is hereby authorized to conduct exclusive contract negotiations with the firm Savin Engineers, P.C., on behalf of the RJSCB for Phase 2 program management services, including the negotiation of proposed fees and an acceptable final agreement.

**Second by Board Member Benincasa  
Approved 6-0 with Member B. Brown away**

**Adjournment  
Approved at 5:26 pm**