

**Rochester Joint Schools Construction Board
Minutes
December 14, 2015
4:30 PM**

Present

Chair Tom Richards, Charles Benincasa, Vice Chair Bob Brown, Mike Schmidt, Allen Williams (arrived at 4:50 pm), Wayne Williams, and ICO Brian Sanvidge. Also present were: Executive Director Tom Renauto, General Counsel Peter Abdella, and Program Managers Tom Rog r from Gilbane and Pepin Accilien from Savin.

Chair Richards convened the meeting at 4:35 pm

RJSCB Member Joe Brown passed away on 12/10/15 – moment of silence observed.

Chair Tom Richards welcomed new RJSCB Member Mike Schmidt (replacing Jos  Coronas).

Approval of Minutes

Monthly Meeting held on November 2, 2015

Motion by Member B. Brown

Second by Member Benincasa

Approved 5-0 with Member A. Williams not yet present

Action Items

Resolution 2015-16: 64

Amendment #8 to Gilbane Building Company

By Board Member B. Brown

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

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

WHEREAS, the RJSCB selected Gilbane Building Company (“Program Manager”) to provide program management services to the Board in June of 2010 (Resolution 2009-10: 13) and thereafter the RJSCB and the Program Manager entered into the program management agreement dated July 1, 2010 (the “Agreement”); and

WHEREAS, in December 2014, the RJSCB approved changes to the Gilbane staffing plan (Resolution 2014-15:144) and anticipated that another authorization by the RJSCB would be necessary in the future to extend certain Gilbane staff through 2016 because of the School 12 project schedule having been extended by one year and the delayed start of the Monroe High School project by one year; and

WHEREAS, the Program Manager has recently updated its staffing plan (a copy of which is attached) with changes related to the extension of the School 12 and Monroe High School project schedules, subsequent close-out period, and continued administrative and financial accounting support for the RSMP; and

WHEREAS, following extensive discussions with the Program Manager and due diligence, the Executive Director recommended to the MWBE and Services Procurement Committee (the "Committee") that the Program Manager's Agreement should be amended to extend these services through the completion of Phase 1 (December 31, 2016) in the not-to-exceed amount of \$269,750; and

WHEREAS, the Committee considered and discussed the Executive Director's recommendation at its December 10, 2015 meeting and after due deliberation, it approved the request to amend the Agreement;

THEREFORE, BE IT RESOLVED:

1. The proposed amendment to the Agreement between the RJSCB and the Program Manager dated July 1, 2010 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 RJSCB's general counsel.

**Second by Board Member Benincasa
Approved 5-0 with Member A. Williams not yet present**

**Resolution 2015-16: 65
Amendment #8 to The Pike Company (CM - Schools 17 and 50)**

By Board Member B. Brown

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

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

WHEREAS, the RJSCB selected The Pike Company ("Construction Manager") to provide construction management services for the School 17 and School 50 projects in August of 2011 as a part of Phase 1 of the Rochester Schools Modernization Program (the "RSMP") (Resolution 2011-12: 7) and the parties thereafter entered into the agreement between the RJSCB and the Construction Manager dated August 3, 2011 (the "Agreement"); and

WHEREAS, subsequent to the execution of the Agreement, the Program Manager directed the Construction Manager to provide additional services for the School 17 and School 50 projects and allowances for additional work were added to the Construction Manager Agreement for printing costs (Resolution 2011-12: 77) and for security services (Resolution 2012-13: 31); and

WHEREAS, unused portions of those allowances totaling \$54,404.71 are now being restored to the program by reducing the current total value of the Agreement; and

WHEREAS, the RJSCB's Program Manager recommended to the MWBE and Services Procurement Committee (the "Committee") that the Construction Manager's Agreement should be amended to reduce the Agreement by \$54,404.71 for the School 17 and School 50 projects; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its December 10, 2015 meeting and after due deliberation, it approved the request to amend the Agreement;

THEREFORE, BE IT RESOLVED:

1. The proposed amendment to the Agreement Between the RJSCB and the Construction Manager dated August 3, 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 Benincasa
Approved 5-0 with Member A. Williams not yet present

Resolution 2015-16: 66
Amendment #1 to SEI Design Group Agreement – Jefferson 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 SEI Design Group ("SEI") as the Architect for the Jefferson High School project in Phase I (Resolution 2011-12: 39); and

WHEREAS, the RJSCB entered into an agreement with SEI (Resolution 2011-12: 39) dated November 15, 2011, entitled Agreement Between Board and Architect (the "Agreement") for the amount not-to-exceed \$1,233,000; and

WHEREAS, following the execution of the Agreement SEI, began working on the program verification phase of the project until, in the fall of 2012, the District made several program decisions which significantly reduced the amount of funding available for the Jefferson High School project and the project was put on hold; and

WHEREAS, the work performed to date by SEI at Jefferson High School has been invoiced and paid in the amount of \$44,891.39, leaving a balance remaining of \$1,188,108.61; and

WHEREAS, there are no plans to continue any work at Jefferson High School in Phase 1 of the RSMP; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that SEI's Agreement should be amended to reduce the total contract value by \$1,188,108.61 leaving a balance of \$0.00; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its December 10, 2015 meeting, and after due deliberation, it approved the request to amend the Agreement;

THEREFORE, BE IT RESOLVED:

1. The proposed amendment to the SEI Design Group 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 B. Brown
Approved 5-0 with Member A. Williams not yet present

Resolution 2015-16: 67
Amendment #4 to SEI Design Group Agreement – School 12

By Board Member B. Brown

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

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

WHEREAS, the RJSCB approved the selection of SEI Design Group ("SEI") as the Architect for the School 12 project in Phase I (Resolution 2011-12: 39); and

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

WHEREAS, following the execution of the Agreement, SEI, 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 SEI's Agreement should be amended to add these additional scope items in the total amount of \$32,470.29 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 December 10, 2015 meeting, and after due deliberation, it approved the request to amend the Agreement;

THEREFORE, BE IT RESOLVED:

1. The proposed amendment to the SEI Design Group 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 Benincasa
Approved 5-0 with Member A. Williams not yet present

**Resolution 2015-16: 68
FF&E Purchase Orders – School 12 Project**

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 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”) for the Phase 1c project, School 12; and

WHEREAS, the RJSCB’s Executive Director received bids on October 1, 2015, per the deadline stipulated in the Request for Bids, and those bids were subsequently publicly opened and read aloud at the location stated in the Request for Bids; and

WHEREAS, the Move Manager reviewed the bids, conducted de-scoping meetings, and inspected physical samples of certain items; and

WHEREAS, the Move Manager determined that the low bidder for some of the bid groups did not meet the specified standards for the products specified in the Request for Bids; and

WHEREAS, the Move Manager has recommended to the RJSCB that purchase order awards be made for the Phase 1c project, School 12, based on the groups identified in the table below:

Scope of Work	Name of Firm
Group – Activity Tables	Hertz Furniture
Group – Art Room	Nickerson Corporation
Group – Cafeteria Tables	FES, Inc.
Group – Conference Furniture	FM Office Products
Group – Desks	FM Office Products
Group – Lounge Furniture	FM Office Products
Group – Library Furniture	FES, Inc.
Group – Music Furniture	Hertz Furniture
Group – Storage	FM Office Products
Group – Primary Student Furniture	FM Office Products
Group - Student Furniture	Hertz Furniture
Group - Task Seating	FM Office Products
Group – Misc. Tables	FES, Inc.
Non-Grouped Items – First Aid Cot	FM Office Products
Non-Grouped Items – AV Cart	No award recommended at this time
Non-Grouped Items – Podium	FM Office Products
Non-Grouped Items – Wooden Coat Lockers	FM Office Products
Non-Grouped Items – Kiln and	FM Office Products

Accessories	
Non-Grouped Items – Exam Table	WB Mason
Non-Grouped Items – Mobile White Board Partition	FM Office Products
Non-Grouped Items – Mobile Tack Board Partition	FM Office Products

WHEREAS, deliveries and installation of FF&E for orders placed at this time will be coordinated by the Move Manager to coincide with the construction schedule of the School 12 project; and

WHEREAS, at its meeting on December 10, 2015, the RJSCB’s MWBE and Services Procurement Committee (the “Committee”) considered the Move Manager’s recommendations above and approved the following awards based on the individual group recommendations of the Move Manager:

SUMMARY of AWARDS

<u>Firm</u>	<u>Total Award</u>
Nickerson Corporation	\$15,211.32
FM Resources	\$279,567.27
Hertz Furniture	\$156,680.48
Facilities Equipment & Services Inc.	\$129,700
WB Mason	\$580.00

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the recommendation of the Move Manager that the contract awards shall be made to the above named firms, in the amount specified to provide the necessary Furniture, Fixtures, and Equipment (delivered and installed at point of use) for the School 12 project in Phase 1c of the RSMP; and
2. The RJSCB Chair is hereby authorized, to execute and deliver a Purchase Order to the firms 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 B. Brown
Approved 5-0 with Member A. Williams not yet present**

**Resolution 2015-16: 69
Moving Company Additional Services – Monroe High School**

By Board Member B. Brown

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

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

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

WHEREAS, Vargas Associates (the "Move Management Consultant"), with the advice of the RJSCB's Executive Director and its general counsel, prepared a request for bids ("Request for Bids") package for furniture, equipment, and box moves at Monroe High School and the RSMP warehouse in the summer of 2015; and

WHEREAS, the RJSCB approved the selection of FM Office Express ("FM") as the moving company associated with the Phase 1 - Summer 2015 moves (Resolution 2014-15: 210); and

WHEREAS, the Move Manager identified the need for additional moving services associated with the Monroe High School move; and

WHEREAS, the Program Manager and the Move Manager have reviewed FM's costs for such additional moving services and determined that they are fair and reasonable for the work being performed; and

WHEREAS, at its December 10, 2015 meeting, the MWBE and Services Procurement Committee ("Committee") considered the Program Manager's and Move Manager's recommendation to add these additional move services in the amount of \$10,728, and after due deliberation, the Committee approved the request to add these additional move services;

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the recommendation of the Program Manager and Move Management Consultant to accept the proposal for additional moving services as set forth above; and
2. The Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute and deliver a Purchase Order to the firm named above on the advice of the Program Manager and the RJSCB's general counsel.

Second by Board Member W. Williams
Approved 5-0 with Member A. Williams not yet present

Resolution 2015-16: 71
Change Order #12 to Steve General Contractor – (School 5)

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, in July 2014, the RJSCB approved the award of the roofing general contractor contract to Steve General Contractor Inc, for the School 5 project in Phase I (Resolution 2014-15: 8); and

WHEREAS, the RJSCB entered into a contract with Steve General Contractor, Inc. (Resolution 2014-15: 8), dated July 7, 2014 (the "Contract"), to perform the scope of services defined in the contract documents as the roofing general contractor's scope of work; and

WHEREAS, following the execution of the Contract, Steve General Contractor, Inc., along with The Pike Company, the Construction Manager, and the Program Manager, identified the need for additional scopes of work, and cost proposals were then obtained for these additional scope items and provided to the Construction Manager and the Program Manager for review; and

WHEREAS, Change Order #12 includes the following item:

1. Canopy truss repairs for the amount of \$52,284.17

The total amount of Change Order #12 is \$52,284.17; 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 Steve General Contractors' Contract should be amended to add these additional scope items in the total amount of \$52,284.17; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its December 10, 2015 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

1. The proposed Change Order to Steve General Contractors' Contract between the Board and Contractor dated July 7, 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 B. Brown
Approved 5-0 with Member A. not yet present

Resolution 2015-16: 72
Change Order #15 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 #15 includes the following item:

1. Provide work associated with construction change directives GC12-17, GC12-18 and GC12-19 for the amount of \$1,748.43

The Total amount of Change Order #15 is \$1,748.43; 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 \$1,748.43; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its December 10, 2015 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

1. The proposed Change Order to LeChase Construction Services LLC's Contract between the Board and Contractor dated March 9, 2015 as set forth above is hereby approved; and
2. The RJSCB's Chair is hereby authorized in the name and on behalf of the RJSCB, to execute a Change 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 B. Brown
Approved 5-0 with Member A. Williams not yet present**

**Resolution 2015-16: 73
Change Order #8 and #9 to Landry Mechanical Contractors (School 12)**

By Board Member B. Brown

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

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

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

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

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

WHEREAS, Change Order #8 includes the following items:

1. Cooling tower steel changes for the amount of \$1,056.16
2. Changes to utility service routing for the amount of \$4,673.66
3. Classroom unit vent sleeves and drip pans for the amount of \$9,804.42
4. Changes to ductwork at elevator for the amount of \$1,983.89

The Total amount of Change Order #8 is \$17,518.13; and

WHEREAS, Change Order #9 includes the following items:

1. Changes due to additional lockers for the amount of \$153.99
2. Additional service locations for utilities for the amount of \$3,083.11
3. Add electric actuators for the amount of \$13,496.12

The Total amount of Change Order #9 is \$16,733.22; 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 Landry Mechanical Contractors' Contract should be amended to add these scope items for a total of \$34,251.35; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its December 10, 2015 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

1. The proposed Change Orders to Landry Mechanical Contractors' 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 W. Williams
Approved 6-0**

**Resolution 2015-16: 74
Change Order #21 to MA Ferrauilo (School 12)**

By Board Member B. Brown

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

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

WHEREAS, the RJSCB approved the award of the plumbing contractor contract to 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 #21 includes the following items:

1. Provide additional plumbing lines for the amount of \$17,374.57
 2. Provide work in response to RFIs 11, 202, 203, 206, 231, 235, and 236 for the amount of \$0
- The Total amount of Change Order #21 is \$17,374.57; 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 Ferrauilo's Contract should be amended to add these scope items for a total of \$17,374.57; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its December 10, 2015 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

1. The proposed Change Order to Michael A. Ferrauilo Plumbing and Heating Inc.'s Contract between the Board and Contractor dated March 9, 2015 as set forth above is hereby approved; and
2. The RJSCB's Chair is hereby authorized in the name and on behalf of the RJSCB, to execute a Change 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 W. Williams
Approved 6-0**

**Resolution 2015-16: 75
Change Order #8 and #9 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 #8 includes the following item:

1. Changes to fire alarm scope for the amount of \$1,148.98
- The Total amount of Change Order #8 is \$1,148.98; and

WHEREAS, Change Order #9 includes the following items:

1. Change power to Combi oven for the amount of \$381.96
 2. Panel schedule changes for the amount of \$1,568.39
 3. Add power to folding partition for the amount of \$1,950.68
- The Total amount of Change Order #9 is \$3,901.03; 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 \$5,050.01; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its December 10, 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 B. Brown
Approved 6-0

**Resolution 2015-16: 76
Change Order #73 to Manning Squires Hennig – School 58**

By Board Member B. Brown

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

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

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

WHEREAS, the RJSCB approved the award of the general contractor contract to Manning Squires Hennig Co., Inc. (“Manning Squires”), for the School 58 project in Phase I (Resolution 2012-13: 35); and

WHEREAS, the RJSCB subsequently entered into a contract with Manning Squires (Resolution 2012-13: 35) dated September 10, 2012 (the “Contract”), to perform the scope of services defined in the contract documents as the general contractor’s scope of work; and

WHEREAS, following the execution of the Contract, Manning Squires, along with LeChase Construction, the Construction Manager, and the Program Manager, identified the need for additional scopes of work, and cost proposals were then obtained for these additional scope items and provided to the Construction Manager and the Program Manager for review; and

WHEREAS, Change Order #73 includes the following item:

1. Premium time for additional scopes of work for the amount of \$31,198
The total amount of Change Order #73 is \$31,198; and

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

WHEREAS, the Program Manager thereafter recommended to the RJSCB’s MWBE and Services Procurement Committee (the “Committee”) that Manning Squires’s Contract should be amended to add these additional scope items in the total amount of \$31,198; and

WHEREAS, the Committee considered and discussed the Program Manager’s recommendation at its December 10, 2015 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

1. The proposed Change Order to Manning Squires Hennig’s Contract between the Board and Contractor dated September 10, 2012 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 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 W. Williams
Approved 6-0**

**Resolution 2015-16: 77
Change Order #2 and #3 to Manning Squires Hennig (Monroe)**

By Board Member B. Brown

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

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

WHEREAS, the RJSCB approved the award of the general contractor contract to Manning Squires Hennig, Inc. (“Manning Squires”), for the Monroe High School project in Phase I (Resolution 2014-15: 242); and

WHEREAS, the RJSCB entered into a contract with Manning Squires (Resolution 2014-15: 242) dated June 9, 2015 (the “Contract”), to perform the scope of services defined in the contract documents as the general contractor’s scope of work; and

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

WHEREAS, Change Order #2 includes the following items:

1. Relocate lockers to swing space for the amount of \$13,751
 2. Provide walk in cooler shelving for the amount of \$2,537
 3. Provide metal panels and relate whiteboards to swing space for the amount of \$6,819
- The Total amount of Change Order #2 is \$23,107; and

WHEREAS, Change Order #3 includes the following items:

1. Pipe insulation abatement for the amount of \$4,574
 2. Floor tile abatement for the amount of \$8,801
 3. Spline ceiling abatement for the amount of \$11,677
 4. Additional pipe insulation and floor tile abatement for the amount of \$10,761
 5. Additional floor tile abatement for the amount of \$4,345
- The Total amount of Change Order #3 is \$40,158; 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 Manning Squires Hennig’s Contract should be amended to add these scope items for a total of \$63,265; and

WHEREAS, the Committee considered and discussed the Program Manager’s recommendation at its December 10, 2015 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

1. The proposed Change Orders to Manning Squires Hennig’s Contract between the Board and Contractor dated June 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 W. Williams
Approved 6-0

Resolution 2015-16: 78
Change Order #1 to Thurston Dudek (Monroe)

By Board Member B. Brown

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

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

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

WHEREAS, the RJSCB entered into a contract with Thurston (Resolution 2014-15: 242) dated June 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, Thurston, 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. Relocate gas line for the amount of \$3,413

The Total amount of Change Order #1 is \$3,413; 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 Thurston Dudek's Contract should be amended to add these scope items for a total of \$3,413; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its December 10, 2015 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

1. The proposed Change Order to Thurston Dudek'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 Benincasa
Approved 6-0**

**Resolution 2015-16: 79
Change Order #2 to Eastcoast Electric, LLC (Monroe)**

By Board Member B. Brown

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

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

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

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

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

WHEREAS, Change Order #2 includes the following item:

1. Existing fire alarm system demo and installation of new system as described and included in alternate #12

The Total amount of Change Order #2 is \$376,365; 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 \$376,365; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its December 10, 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 W. Williams
Approved 6-0

Resolution 2015-16: 80
Change Order #1 to Steve General Contractor – (East “summer project”)

By Board Member B. 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, in June 2015, the RJSCB approved the award of the East High School “Summer Project” general contractor contract to Steve General Contractor Inc, in Phase I (Resolution 2014-15: 246); and

WHEREAS, the RJSCB entered into a contract with Steve General Contractor Inc., (Resolution 2014-15: 246) dated June 22, 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, Steve General Contractor, Inc., along with the Program Manager, identified the need for additional scopes of work, and cost proposals were then obtained for these additional scope items and provided to the Program Manager for review; and

WHEREAS, Change Order #1 includes the following items:

1. Add concrete steps and sidewalk for the amount of \$6,979.35
2. Replace shut off valve for the amount of \$468.03
3. Delete fin tub for a deduct of -\$1,774
4. Refeed lighting circuit for the amount of \$380.05
5. Replace receptacles for the amount of \$859.80
6. Add disconnect for the amount of \$235.84

The total amount of Change Order #1 is \$7,149.07; and

WHEREAS, the Program Manager believes 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 Steve General Contractors’ Contract should be amended to add and delete these scope items in the total amount of \$7,149.07; and

WHEREAS, the Committee considered and discussed the Program Manager’s recommendation at its December 10, 2015 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

1. The proposed Change Order to Steve General Contractors’ Contract between the Board and Contractor dated June 22, 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 W. Williams
Approved 6-0

Resolution 2015-16: 81
Pay Requisition Summary Acceptance (November 2015)

By Board Member Benincasa

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

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

WHEREAS, the RJSCB developed a pay requisition approval procedure with input from its 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 order to avoid a year delay in the start of Phase 2 construction at East High School, Monroe High School, and School 15 (the "Early Start Projects"), the District has advanced funds to the RSMP for Phase 2; and

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

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

WHEREAS, a future BAN provided by the City would reimburse the funds advanced by the District for the design work associated with Phase 2 projects at Monroe High School, School 15, and East High School (the Early Start Projects), as well as provide the interim financing necessary to begin other Phase 2 project designs and to engage other professional service firms to begin Phase 2 planning and coordination work; and

WHEREAS, the City will be reimbursed for its BAN from the Phase 2 bond proceeds (anticipated to occur in the summer of 2016) following approval of the Phase 2 Master Plan by the Board of Education and approval of the first group of projects in Phase 2 by the New York State Education Department; and

WHEREAS, the District, the City and the RJSCB have executed a memorandum that sets forth the understanding that the District will advance funds to the RSMP for the payment of the expenses for the Early Start Projects and that the City will reimburse the District for these amounts through the BAN proceeds; and

WHEREAS, in compliance with the Pay Requisition Approval Procedure, the RJSCB's Executive Director has reviewed the individual pay applications from each of the consultants and suppliers for accuracy and completeness; and

WHEREAS, the Executive Director forwarded the regular monthly Pay Requisition Summary (attached to this Resolution) totaling \$3,317,314.46 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 December 3, 2015; and

WHEREAS, the Executive Director forwarded the Phase 2 monthly Pay Requisition Summary (attached to this Resolution) totaling \$62,100 including all invoices to be paid by the District using funds advanced by the District to the RJSCB, to the RJSCB Board Chair with copy to the full Board on December 3, 2015; and

WHEREAS, the RJSCB Board Chair approved the regular monthly Pay Requisition Summary and the Phase 2 monthly Pay Requisition Summary on December 3, 2015; and

WHEREAS, the RJSCB's Executive Director reviewed the regular monthly Pay Requisition Summary and the Phase 2 monthly Pay Requisition Summary with the RJSCB's Finance Committee at its meeting on December 10, 2015;

THEREFORE, BE IT RESOLVED:

1. The Rochester Joint Schools Construction Board hereby accepts the regular monthly Pay Requisition Summary for the month of November 2015 in the amount stated above and the Phase 2 monthly Pay Requisition Summary in the amount stated above and as shown in the Summary sheets attached to this Resolution.

Second by Board Member B. Brown
Approved 6-0

Communications

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

- East High School: Wrapping up punchlist work and "Day 2" District requests (ex. acoustical panels).
- School 12: Roofing is moving forward and building enclosure is underway. The Library has been turned over to the City and the Rec Center is on schedule for turnover to the City by the end of the year.
- Monroe High School: Demo is continuing – slabs and air stacks (mechanical) and rough has started on the 2nd floor (duct, hallways and classroom).
- Tom Richards requested an update related to the School 17 door replacement issue. Wayne Hermanson reported that there are 75 doors in question. A final letter to Manning Squires Hennig will be issued this week. We are holding retainage dollars to cover this issue if the contractor refuses to do the work. Doors are typically a 6-10 week lead item for manufacturing.

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

- 95.51% submissions for the October 2015 reporting period.
- 98.46% of all data requested has been received and approved (January 2014 through October 2015).
- Overall Workforce (EEO) Participation: Minority @ 22.95% (goal is 20%) and Women @ 7.4% (goal is 6.9%).
- Overall Business Participation: Minority @ 15.17% (goal is 15%), Women @ 7% (goal is 5%), Disadvantaged @ 2.16% (goal is 2%) and Small @ 3.62% (goal is 5%).
- Rochester Residents: 85 of the 265 workers for the October 2015 reporting period (or 32.08%).
- Charlie Benincasa requested a report detailing the Rochester City Resident participation for the entire program.

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

- Overall Budget Update: Schools are receiving aid (Early Aid SED Forms were submitted). Many Construction Managers and Contractors have been closed out and released. Project contingency remains strong (\$6.5M). Terry LoConte, Program Manager for Monroe High School, will be recommending some additional scope items for Phase 1.

The M/WBE and Services Procurement Committee Report for December 10, 2015 is included in the Members packets.

The Finance Committee Report for December 10, 2015 is included in the Members packets.

Chair Tom Richards called for an Executive Session per Section 105 1. (d) of the Open Meetings Law to discuss pending litigation and the Program Manager contract.

Motion by Member Benincasa

Second by Member B. Brown

Approved 6-0

The Board went into Executive Session at 5:30 pm

Motion by Member Benincasa

Second by Member B. Brown

Approved 6-0

The Board came out of Executive Session at 6:35pm

Additional Action Items

Resolution 2015-16: 70

Settlement Between RJSCB and JCJ Architecture

By Board Member B. Brown

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

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

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

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

WHEREAS, JCJ Architecture has advised the RJSCB that it has a claim for additional services in the amount of \$780,367, relating to the extension of the scheduled completion of School 58; and

WHEREAS, the RJSCB has informed JCJ that it believes that JCJ is responsible for some portion of the costs of the schedule extension and for some portion of the costs of certain change orders because of errors and omissions by JCJ and/or its consultants; and

WHEREAS, JCJ has proposed that it would waive its claim for additional services if the RJSCB was to waive its claims for schedule extension costs and errors and omissions, except JCJ and the RJSCB would reserve their claims and defenses concerning any claim brought by Manning Squires Hennig, the project contractor; and

WHEREAS, the Program Manager has recommended that the RJSCB approve JCJ Architecture's settlement proposal; and

WHEREAS, the RJSCB has considered and discussed the Program Manager's recommendation at its December 14, 2015 monthly meeting;

THEREFORE, BE IT RESOLVED:

1. The proposed settlement between the Board and JCJ Architecture as set forth above is hereby approved; and
2. The Chair is hereby authorized in the name and on behalf of the RJSCB, to execute any necessary instruments to effectuate the settlement described above upon the advice of the RJSCB's general counsel.

Second by Board Member Benincasa
Approved 6-0

Resolution 2015-16: 82
RFP for Architectural Services – Phase 2A Schools

By Board Member B. 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 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, these projects include: School 16, School 7, and Franklin High School; and

WHEREAS, it is understood by the District, the City, and the RJSCB that the future BAN provided by the City would reimburse the funds advanced by the District for the design work associated with Phase 2 projects at Monroe High School, School 15, and East High School (the Early Start Projects), as well as provide the interim financing necessary to begin other Phase 2 project designs and to engage other professional service firms to begin Phase 2 planning and coordination work; and

WHEREAS, the City will be reimbursed for its BAN from the Phase 2 bond proceeds (anticipated to occur in the summer of 2016) following approval of the Phase 2 Master Plan by the Board of Education and approval of the first group of projects in Phase 2 by the New York State Education Department; and

WHEREAS, the RJSCB's Program Manager has prepared a request for proposals for architectural services, renovation and addition projects for Phase 2A (the "RFP"), which was discussed and considered by the RJSCB's MWBE and Services Procurement Committee (the "Committee") at its December 14, 2015 meeting; and

WHEREAS, the Program Manager has recommended that in addition to the RJSCB's process for publicly advertising and posting RFP information, that the RFP be issued directly to those firms who participated in Phase 1 of the RSMP including:

Cannon Design
Chaintreuil Jensen Stark Architects
Clark Patterson Lee
JCJ Architecture
LaBella Associates
SEI Design Group
SWBR Architects
Young + Wright Architectural

THEREFORE, BE IT RESOLVED:

1. The RFP for architectural services for the following Phase 2A Schools School 16, School 7, and Franklin High School is approved for issuance pending final review by the Board's general counsel; and
2. The MWBE and Services Procurement Committee is authorized on behalf of the RJSCB, with the advice and recommendations of the Program Manager, to review the Phase 2A RFP responses, select finalists, conduct interviews of the architect finalists along with other RJSCB board members, and recommend to the RJSCB the most qualified candidates.

Second by Board Member Schmidt
Approved 6-0

Resolution 2015-16: 83
Phase 2 Core Professional Services Providers

By Board Member B. 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 legislation for Phase 2 of the RSMP states that “the RJSCB may extend the contracts of the providers of professional services for Phase One upon the adoption of findings that doing so would be in the public interest; 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, in order to support the completion of the Phase 2 Master Plan and avoid a delay in the start of Phase 2 construction the District has advanced funds to the RSMP; and

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

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

WHEREAS, the future BAN provided by the City would reimburse the funds advanced by the District for the design work associated with Phase 2 projects at Monroe High School, School 15, and East High School (the Early Start Projects), as well as provide the interim financing necessary to begin other Phase 2 project designs and to engage other professional service firms to begin Phase 2 planning and coordination work; and

WHEREAS, the City will be reimbursed for its BAN from the Phase 2 bond proceeds (anticipated to occur in the summer of 2016) following approval of the Phase 2 Master Plan by the Board of Education and approval of the first group of projects in Phase 2 by the New York State Education Department; and

WHEREAS, the District, the City and the RJSCB have executed a memorandum that sets forth the understanding that the District will advance funds to the RSMP for the payment of the expenses and that the City will reimburse the District for these amounts through the BAN proceeds; and

WHEREAS, the RJSCB recognizes that in order to maintain the proposed Phase 2 activity schedule it is necessary to engage the other professional service firms (the “Core Service Providers”) to begin Phase 2 planning and coordination work necessary to support the completion of the Master Plan and to provide the technical assistance necessary towards SED approval; and

WHEREAS, the RJSCB believes that the time necessary for a formal request for proposal and selection process for these Core Service Providers services will jeopardize the start of construction for these projects in 2016 and will not achieve any measurable cost savings where negotiations can achieve the same outcome in a more timely fashion; and

WHEREAS, as permitted by the Phase 2 legislation, the RJSCB wishes to extend the services of those professional Core Service Providers which are most familiar with the Project, having performed the specific Phase 1 scopes of work and to do so, would be in the public interest; and

WHEREAS, the RJSCB approved the selection of Capital Market Advisors (“Capital Markets”) as the Financial Advisor in Phase I (Resolution 2009-10: 12); and

WHEREAS, the RJSCB entered into an agreement with Capital Markets (Resolution 2009-10: 12) dated May 31, 2010, entitled Financial Advisory Services Agreement (the “Agreement”); and

WHEREAS, the RJSCB approved the selection of Clark Patterson Lee (“Clark Patterson”) as the SEQRA consultant in Phase I (Resolution 2010-11: 18); and

WHEREAS, the RJSCB entered into an agreement with Clark Patterson (Resolution 2010-11: 18) dated November 23, 2010, entitled Agreement Between Owner and Consultant (the “Agreement”); and

WHEREAS, the RJSCB approved the selection of Seeler Engineering (“Seeler”) as the Project Labor Agreement (“PLA”) consultant in Phase I (Resolution 2011-12: 16); and

WHEREAS, the RJSCB entered into an agreement with Seeler (Resolution 2011-12: 16) dated October 3, 2011, entitled Consulting Services Agreement (the “Agreement”); and

WHEREAS, the RJSCB has directed the Executive Director to engage Capital Markets, Clark Patterson, and Seeler, and to obtain and review proposals to provide services for the Phase 2 program; and

WHEREAS, for these Core Service Providers, the RJSCB’s Executive Director and Program Manager will review the individual pay applications from each of the professional service firms for accuracy and completeness and will forward those invoices to the District for payment directly to each firm; and

WHEREAS, the District will maintain the official accounting records for Phase 2 of the RSMP; and

WHEREAS, Capital Markets, Clark Patterson, and Seeler have submitted written proposals for services which have been reviewed and analyzed by the Program Manager; and

WHEREAS, at the MWBE and Services Procurement Committee (“Committee”) meeting on December 10, 2015, the Program Manager recommended that the proposals be accepted and that the services of Capital Market Advisors, Clark Patterson Lee, and Seeler Engineering be extended for Phase 2; and

WHEREAS, the Committee discussed the Program Manager’s recommendation at its meeting on December 10, 2015 and no action was taken at that time pending further discussion with the full Board, and it was also discussed whether the bond underwriting services for Phase 2 should be secured by a request for proposals (“RFP”);

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the Program Manager’s recommendation that the services of Capital Market Advisors, Clark Patterson Lee, and Seeler Engineering be extended in Phase 2 based upon the finding that the extensions are in the public interest for the reasons set forth above; and
2. The RJSCB hereby approves the issuance of an Agreement to Capital Market Advisors to provide Financial Advisor services as a part of Phase 2 of the RSMP; and
3. The RJSCB hereby approves the issuance of an Agreement to Clark Patterson Lee to provide SEQRA consulting services as a part of Phase 2 of the RSMP; and
4. The RJSCB hereby approves the issuance of an Agreement to Seeler Engineering to provide Project Labor Agreement consulting services as a part of Phase 2 of the RSMP; and
5. The Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute and deliver the Agreements to the firms named above, with such changes as the Chair may approve on the advice of the Program Manager and the RJSCB’s general counsel; and
6. The RJSCB hereby authorizes the issuance of an RFP for bond underwriting services for Phase 2.

Second by Board Member Benincasa
Approved 6-0

Resolution 2015-16: 84
Phase 2 Program Management Services Agreement

By Board Member B. 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 legislation for Phase 2 of the RSMP states that “the RJSCB may extend the contracts of the providers of professional services for Phase One upon the adoption of findings that doing so would be in the public interest; 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 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, 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, along with invited representatives from the Superintendent’s office, the Mayor’s office, City Council, and the Rochester City School District (“the Board of Education”), met in several executive sessions to review proposals, participate in interviews, and to recommend a program management firm for Phase 2; and

WHEREAS, following this process, the RJSCB recommended that it conduct exclusive contract negotiations with the firm Savin Engineers, P.C. (Resolution 2105-16: 55), for Phase 2 program management services; and

WHEREAS, the Superintendent, the Mayor, City Council (City Council Resolution 2015-317, Int. No. 380), and the Board of Education (Board of Education Resolution 2015-16: 255) all approved and authorized the RJSCB to conduct exclusive contract negotiations with the firm Savin Engineers, P.C., for Phase 2 program management services, including the negotiation of proposed fees and an acceptable final agreement; and

WHEREAS, the RJSCB and Savin Engineers, P.C., have now satisfactorily concluded their negotiations for the agreement for Program Management services at a basic service fee not-to-exceed \$17,517,268, a basic service milestone limit not-to-exceed \$1,751,727, an additional service fee not-to-exceed \$8,155,415, and an additional service milestone limit not-to-exceed \$815,542 with the scope of such services defined in Exhibit A-1 and Exhibit A-2 of the agreement (the “Agreement”); and

WHEREAS, the RJSCB considered and discussed the details of the Program Management Agreement at its meeting on December 14, 2015;

THEREFORE, BE IT RESOLVED:

1. The RJSCB approves the retention of Savin Engineers, P.C., for a term of up to six years and for the fees as set forth in Section 5.1 of the Agreement; and
2. Upon approval of the Superintendent, the Mayor, City Council, and the Board of Education, the Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute and deliver the Program Management Agreement with the Savin Engineers, P.C., in substantially the form presented at the meeting on December 14, 2015, with such changes as the Chair may approve (his signature thereon being conclusive evidence of such approval) upon the advice of the RJSCB's general counsel and executive director.

Second by Board Member Schmidt
Approved 6-0

Adjournment
Approved at 6:50 pm