

Rochester Joint Schools Construction Board
Minutes
May 2, 2016
4:30 PM

Present

Chair Tom Richards (arrived at 4:50 pm), Charles Benincasa, Vice Chair Bob Brown, Ineabelle G. Cruz, Mike Schmidt (arrived at 4:52 pm), Allen Williams, Wayne Williams, and ICO Brian Sanvidge. Also present were: Executive Director Tom Renauto, General Counsel Ray Miller, and Program Managers Tom Rogér from Gilbane and Pepin Accilien from Savin.

Vice Chair Brown convened the meeting at 4:34 pm

Approval of Minutes

Monthly Meeting held on April 4, 2016

Motion by Member Benincasa

Second by Member W. Williams

Approved 5-0 with Chair Richards and Member Schmidt not yet present

Action Items

Resolution 2015-16: 150

Savin Engineers P.C. Revised Exhibit B-2 (Staffing Plan – Additional Services)

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

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

WHEREAS, the RJSCB selected Savin Engineers P.C. (“Program Manager”) to provide Program Management services to the Board for Phase 2 of the RSMP in October of 2015 (Resolution 2015-16: 55); and

WHEREAS, Article 1.2 of the Agreement between the RJSCB and the Program Manager (the “Agreement”) states that the Program Manager will not reassign from the Program its Program Director or other members of the Management Team during the Term without prior written approval from the Board; and

WHEREAS, Article 1.4 of the Agreement between the RJSCB and the Program Manager states that Program Manager shall not subcontract any of the Services to be performed by it under this Agreement to any subcontractor other than a Designated Consultant unless approved in writing in advance by the Board; and

WHEREAS, the Program Manager has recently updated its staffing plan and subcontracting plan for Additional Services on Exhibit B-2 (a copy of which is attached); and

WHEREAS, the Additional Service Fee Limit of the Agreement shall not be effected by these staffing and subcontracting changes; and

WHEREAS, the RJSCB's Executive Director recommended to the RJSCB at a Special Meeting held on April 25, 2016, that it approve the Phase 2 Program Manager's revised staffing plan and subcontracting plan as shown in Exhibit B-2 and that the Agreement then be amended to incorporate the revised Exhibit B-2, and after due deliberation, the RJSCB approved the revised staffing plan and request to amend the Agreement;

THEREFORE, BE IT RESOLVED:

1. The proposed changes to Exhibit B-2 of the Agreement between the RJSCB and the Phase 2 Program Manager are approved; and
2. The Agreement between the RJSCB and the Phase 2 Program Manager dated December 15, 2015 is hereby amended to incorporate the revised Exhibit B-2.

**Second by Board Member Benincasa
Approved 5-0 with Chair Richards and Member Schmidt not yet present**

**Resolution 2015-16: 151
DWT Award – School 12 Phone Handsets**

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 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 worked with Millennium Strategies, the RJSCB's Technology Consultant, to prepare requests for commodity bids ("Mini-Bids") off of a New York State Office of General Services contract ("State Contract") in conjunction with the District Wide Technology project; and

WHEREAS, the RJSCB approved the issuance of a Request for Bids at its monthly meeting on March 7, 2016 (Resolution 2015-16: 119); and

WHEREAS, there were no bids received for Phase Handsets on the deadline stipulated in the Mini-Bid Documents; and

WHEREAS, the RJSCB authorized a re-bid of the Phone Handsets on April, 4, 2016 (Resolution 2015-16: 125); and

WHEREAS, the Technology Consultant re-issued the bid documents and the RJSCB's Executive Director received one bid for Phone Handsets per the deadline stipulated in the Mini-Bid Documents, and that bid was subsequently publicly opened and read aloud at the location stated in each of the Mini-Bid Documents; and

WHEREAS, the Technology Consultant and the Program Manager have reviewed the bid and concluded that the bidder for Phone Handsets is also a qualified and responsible supplier; and

WHEREAS, at the MWBE and Services Procurement Committee (the "Committee") meeting held on April 28, 2016, following the review and consideration of the recommendation provided by the RJSCB's Technology Consultant and the Program Manager and after due deliberation by the Committee, Fronrunner, listed on the competitively bid State Contract PT64533, was identified as the responsible supplier of Phone Handsets; and

WHEREAS, the Committee approved the recommendation of the Technology Consultant and the Program Manager to award the commodity Mini-Bid as follows:

Vendor	Commodity	State Contract	Not to Exceed
Fronrunner	Phone Handsets	PT64533	\$29,921.60

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the recommendation of the Technology Consultant and the Program Manager to utilize State Contract PT64533 to procure the equipment and materials as indicated above and associated with the District Wide Technology project for School 12 in Phase 1 of the RSMP; and
2. The RJSCB Chair is hereby authorized, to execute and deliver a purchase order to the firm Fronrunner, 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 W. Williams

Approved 5-0 with Chair Richards and Member Schmidt not yet present

Resolution 2015-16: 152

Moving Bid Award – School 12 Summer 2016

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, 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 School 12 in the summer of 2016; and

WHEREAS, the RJSCB previously authorized the release of the Request for Bids at its monthly meeting on April 4, 2016 (Resolution 2015-16: 126); and

WHEREAS, the RJSCB’s Executive Director received bids on April 21, 2016 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 RJSCB’s Program Manager and the Move Management Consultant have reviewed the bids, conducted de-scoping meetings and made assessments on the sufficiency of staffing for the moves, and concluded that the apparent low bidder is capable to perform the scope of work package and is also qualified and a responsible bidder; and

WHEREAS, at its April 28, 2016 meeting, the MWBE Procurement and Services Committee considered the recommendation of the Program Manager and Move Manager and following due deliberation, approved the firm as follows:

Scope of Work	Name of Mover	Address	Award Amount
School 12 - Summer 2016 Moves	Clark Moving & Storage	3680 Buffalo Road Rochester, NY 14624	\$54,439.97

THEREFORE, BE IT RESOLVED:

1. Contingent upon final approval of the firm’s diversity plan by the Independent Compliance Officer, the RJSCB hereby approves the recommendation of the Program Manager and Move Management Consultant that a contract award shall be made to the above named firm and bid amount to provide all equipment, labor, materials, and plant necessary to execute the scope of work associated with the School 12 move in the summer of 2016; 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 in substantially the form included in the Request for Bids 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 Chair Richards and Member Schmidt not yet present

Resolution 2015-16: 153
Additional FF&E – School 12

By Board Member A. 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 District has recently requested changes to the classroom configuration at School #12; and

WHEREAS, the previous configuration would have used a designated science classroom as a standard classroom and the appropriate furniture had been ordered to meet this need, however the District recently requested that the classroom be changed back to its original intended use; and

WHEREAS, the Move Manager/FF&E Consultant, Vargas Associates, has obtained pricing from the supplier previously awarded the science room furniture, Facility Equipment and Service Inc.; and

WHEREAS, the countertop at the library radius wall will require adjustments and closure pieces in order to properly fit the actual construction dimensions; and

WHEREAS, the Move Manager/FF&E Consultant, Vargas Associates, has obtained pricing from the supplier previously awarded the library furniture, Facility Equipment and Service Inc; and

WHEREAS, at its April 28, 2016 meeting, the MWBE Procurement and Services Committee considered the recommendation of the Program Manager to make the additional FF&E purchase and approved the additional FF&E purchase order to the firm as set forth below;

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the recommendation of the Program Manager that a purchase order shall be issued to Furniture Equipment and Service Inc., in the amount of \$8,292 to provide the science room tables and to make modifications to the library countertop (delivered and installed at point of use) for the School 12 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 Facility Equipment and Service In., 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 Chair Richards and Member Schmidt not yet present

Resolution 2015-16: 154

Amendment #3 to Campus Construction Management Group (CM – Monroe High School)

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 selected Campus Construction Management Group (“Construction Manager”) to provide Construction Management services for the Monroe High School project in September of 2012 as a part of Phase 1 of the Rochester Schools Modernization Program (the “RSMP”) (Resolution 2012-13: 36) and the parties thereafter entered into the Agreement between the RJSCB and the Construction Manager dated September 10, 2012 (the “Agreement”); and

WHEREAS, following the execution of the Agreement, the Program Manager identified the need for additional services related to an extension of the Phase 1 schedule and requested the Construction Manager provide a cost proposal for these services; and

WHEREAS, the Program Manager has reviewed the proposed costs for this extension of services and finds them to be within the industry standard rates for these services and comparable to those being paid to other Construction Managers on other Phase 1 projects; 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 add the Not to Exceed amount of \$150,000 for the extension of services through the summer of 2017; and

WHEREAS, based on the advice and recommendation of the Program Manager, the Committee considered and discussed the proposal at its April 28, 2016 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 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 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 Chair Richards and Member Schmidt not yet present

Resolution 2015-16: 155

Amendment #8 to Campus Construction Management Group (CM – Franklin)

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 selected Campus Construction Management Group (“Construction Manager”) to provide Construction Management services for the Charlotte High School and Franklin Educational Campus 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, the Program Manager has received and reviewed information provided by the Construction Manager related to the unused portion of allowance funds under the Agreement; and

WHEREAS, the amount of \$10,211.01 in unused allowance funds will be credited back to the RMSP; and

WHEREAS, the RJSCB's Program Manager recommended to the MWBE and Services Procurement Committee (the "Committee") that the Construction Manager's Agreement should reflect a reduction in the amount of \$10,211.01; and

WHEREAS, based on the advice and recommendation of the Program Manager, the Committee considered and discussed the proposal at its April 28, 2016 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 W. Williams

Approved 5-0 with Chair Richards and Member Schmidt not yet present

Resolution 2015-16: 156

Amendment #8 to Young & Wright Architectural Agreement (Franklin)

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 Young & Wright Architectural as the Architect for the Franklin Educational Campus project in Phase I (Resolution 2010-11: 35); and

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

WHEREAS, the Program Manager has received and reviewed information provided by the Architect related to the unused portion of allowance funds under the Agreement; and

WHEREAS, the amount of \$27,689.79 in unused allowance funds will be credited back to the RMSP; and

WHEREAS, the RJSCB's Program Manager recommended to the MWBE and Services Procurement Committee (the "Committee") that the Architect's Agreement should reflect a reduction in the amount of \$27,689.79; and

WHEREAS, based on the advice and recommendation of the Program Manager, the Committee considered and discussed the proposal at its April 28, 2016 meeting and after due deliberation, it approved the request to amend the Agreement;

THEREFORE, BE IT RESOLVED:

1. The proposed amendment to the Young & Wright Architectural's Agreement Between Board and Architect dated March 28, 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 Member W. Williams

Approved 5-0 with Chair Richards and Member Schmidt not yet present

Resolution 2015-16: 157

Amendment #26 to Vargas Associates

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 issued a request for proposals dated August 9, 2011 for move management services ("Move Manager") (Resolution 2011-12: 8); and

WHEREAS, at the monthly meeting held on October 3, 2011, the RJSCB selected Vargas Associates as the finalist for Move Manager (Resolution 2011-12: 31) and subsequently entered into an agreement with Vargas Associates dated February 2, 2012, entitled "Agreement Between Owner and Consultant" (the "Agreement"); and

WHEREAS, the Agreement includes scope of work for the first five projects in Phase 1a of the Rochester Schools Modernization Program ("RSMP") (School 17, School 28, School 50, School 58, and Charlotte High School); and

WHEREAS, the RJSCB thereafter added certain additional services to the Move Manager's scope of work (Resolution 2012-13: 9, Resolution 2012-13: 49, Resolution 2012-13:118, Resolution 2012-13: 145, Resolution 2012-13: 172, Resolution 2012-13: 192, Resolution 2013-14: 8, Resolution 2013-14: 34, Resolution 2013-14: 100, Resolution 2013-14: 101, Resolution 2013-14: 160, Resolution 2013-14: 203, Resolution 2013-14: 204, Resolution 2013-14: 261, Resolution 2013-14: 287, Resolution 2013-14: 288, Resolution 2014-15: 51, Resolution 2014-15: 84, Resolution 2014-15: 150, Resolution 2014-15: 166, Resolution 2014-15: 190, Resolution 2014-15: 238, Resolution 2015-16: 20, Resolution 2015-16: 27 and Resolution 2015-16 132); and

WHEREAS, the RJSCB now wishes to add additional services to the Move Manager's scope of work relating to School 12 and the Program Manager has received and reviewed a proposal for this additional work provided by the Move Manager; and

WHEREAS, based on the advice and recommendation of the Program Manager, the MWBE and Services Procurement Committee considered and discussed the proposal for additional services from the Move Manager at its April 28, 2016 meeting and after due deliberation, it approved the request to amend the Agreement;

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby accepts and approves the proposal from the Move Manager for additional services to the Agreement in an amount not to exceed \$30,340.40; 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 with Vargas Associates 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 Chair Richards and Member Schmidt not yet present**

**Resolution 2015-16: 158
Phase 2B – Architectural Services RFP**

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

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

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

WHEREAS, the Superintendent has identified and confirmed several projects for Phase 2 of the RSMP for which the District would like the RSJCB to begin design work immediately in advance of the New York State Education Department and New York State Comptroller’s approval of the comprehensive Master Plan for Phase 2; and

WHEREAS, these projects include: School 1, School Without Walls, Freddie Thomas, and Edison Technology Campus; 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 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 winter of 2017) following approval of the Phase 2 Master Plan by the New York State Education Department and New York State Comptroller; and

WHEREAS, the RJSCB's Program Manager is preparing a request for proposals for architectural services, renovation and addition projects for Phase 2B (the "RFP"), which was discussed by the RJSCB's MWBE and Services Procurement Committee (the "Committee") at its April 28, 2016 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;

THEREFORE, BE IT RESOLVED:

1. The RFP for architectural services for the following Phase 2B Schools School 1, School Without Walls, Freddie Thomas, and Edison Technology Campus 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 2B 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 A. Williams

Approved 5-0 with Chair Richards and Member Schmidt not yet present

Resolution 2015-16: 159

Phase 2A Schools Construction Management RFP

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

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

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

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

WHEREAS, these projects (the "2A Projects") include: East, School 16, and School 7; 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 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 winter of 2017) following approval of the Phase 2 Master Plan by the New York State Education Department and New York State Comptroller; and

WHEREAS, the RJSCB's Program Manager is preparing a request for proposals for Construction Management ("CM") services for Phase 2A (the "RFP"), which was discussed by the RJSCB's MWBE and Services Procurement Committee (the "Committee") at its April 28, 2016 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;

THEREFORE, BE IT RESOLVED:

1. The RFP for Construction Management services for the following Phase 2A Schools: East, School 16, and School 7 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 construction management finalists along with other RJSCB board members, and recommend to the RJSCB the most qualified candidates.

Second by Board Member A. Williams
Approved 6-0 with Member Schmidt not yet present

Resolution 2015-16: 160
Move Bid Award – Phase 2 School 7 Summer 2016

By Board Member Brown

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

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

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

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

WHEREAS, 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 School 7 and the RSMP warehouse in the summer of 2016; and

WHEREAS, the RJSCB previously authorized the release of the Request for Bids at its monthly meeting on April 4, 2016 (Resolution 2015-16: 126); and

WHEREAS, the RJSCB’s Executive Director received bids on April 21, 2016 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 RJSCB’s Program Manager and the Move Management Consultant have reviewed the bids, conducted de-scoping meetings and made assessments on the sufficiency of staffing for the moves, and concluded that the apparent low bidder is capable to perform the scope of work package and is also qualified and a responsible bidder; and

WHEREAS, at its April 28, 2016 meeting, the MWBE Procurement and Services Committee considered the recommendation of the Program Manager and Move Manager and following due deliberation, approved the firm as follows:

Scope of Work	Name of Mover	Address	Award Amount
School 7 and RSMP Warehouse - Summer 2016 Moves	Clark Moving & Storage	3680 Buffalo Road Rochester, NY 14624	\$81,888.96

THEREFORE, BE IT RESOLVED:

1. Contingent upon final approval of the firm’s diversity plan by the Independent Compliance Officer, the RJSCB hereby approves the recommendation of the Program Manager and Move Management Consultant that a contract award shall be made to the above named firm and bid amount to provide all equipment, labor, materials, and plant necessary to execute the scope of work associated with the School 7 and the RSMP warehouse moves in the summer of 2016; 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 in substantially the form included in the Request for Bids 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 W. Williams
Approved 7-0**

**Resolution 2015-16: 161
Campus Construction Agreement – CM Phase 2A Monroe High School**

By Board Member Brown

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

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

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

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

WHEREAS, the 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, as permitted by the Phase 2 legislation, the RJSCB approved an extension of the services of the current CM firm Campus Construction (“Campus”) (Resolution 2015-16: 121) which is the most familiar with the Monroe High School building, having performed the CM services associated with the building for Phase 1; and

WHEREAS, the RJSCB authorized the Executive Director and Program Manager to engage Campus and to obtain and review a proposal for Campus to provide CM services for a Phase 2 program associated with Monroe High School based on the available Maximum Cost Allowance (“MCA”); and

WHEREAS, the Program Manager has completed negotiations with the CM and has determined the price to be fair, reasonable, and within industry standards for hourly rates and staffing associated with projects of similar size and scope; and

WHEREAS, at the MWBE and Services Procurement Committee (“Committee”) meeting on April 28, 2016, the Program Manager recommended that the Board enter into an Agreement with Campus Construction Management for the Phase 2a Monroe High School project for the amount of \$1,220,000; and

WHEREAS, the Committee discussed the Program Manager’s recommendation, and after due deliberation, the Committee approved the negotiated amount; and

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the Agreement with Campus Construction Management, to provide CM services for Monroe High School as a part of Phase 2a of the RSMP in the amount of \$1,220,000; and
2. The Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute and deliver an Agreement to the firm named above, with such changes as the Chair may approve on the advice of the Program Manager and the RJSCB’s general counsel.

Second by Member W. Williams
Approved 7-0

Resolution 2015-16: 162
Change Order #39 to LeChase Construction (School 12)

By Board Member Brown

WHEREAS, the Rochester School Facilities Modernization Program Act (“the Act”) established the Rochester Joint Schools Construction Board (“RJSCB”), a seven voting member board consisting of

equal representation by the City of Rochester ("City") and the Rochester City School District ("District"), as well as a member jointly selected by the City and the District; and

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

WHEREAS, the RJSCB approved the award of the 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 #39 includes the following items:

1. Library & Reception Radius Window System for the amount of \$4,633.15
2. Smart Board Wiring Room 108 & 324 for the amount of \$1,399.88
3. Accent & Paint Colors & Location (Tile) for the amount of \$6,529.33
4. MG-3 Solar Blue with Frost for the amount of \$3,786.57
5. Removed Misc. Concrete at Beams for the amount of \$2,716.66

The Total amount of Change Order #39 is \$19,065.59; 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 and delete these scope items for a total of \$19,065.59; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its April 28, 2016 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 Benincasa
Approved 7-0**

**Resolution 2015-16: 163
Change Order #16 to Landry Mechanical Contractors (School 12)**

By Board Member Brown

WHEREAS, the Rochester School Facilities Modernization Program Act ("the Act") established the Rochester Joint Schools Construction Board ("RJSCB"), a seven voting member board consisting of

equal representation by the City of Rochester ("City") and the Rochester City School District ("District"), as well as a member jointly selected by the City and the District; and

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

WHEREAS, the RJSCB approved the award of the 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 #16 includes the following items:

1. Relief Valve at Exit Side of Heat Exchanger for the amount of \$881.89
2. Modify UV Duct in Room 215 & 222 for the amount of \$1,334.50
3. 38x18 duct conflict with encased beam at 5 line for the amount of \$1,063.21
4. L3 Architectural Louver at Column Line 1H for the amount of \$755.97
5. 2nd Floor Data Room Duct Reconfiguration for the amount of \$1,789.11

The Total amount of Change Order #16 is \$5,824.68; 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 this item for a total of \$5,824.68; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its April 28, 2016 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

1. The proposed Change Order to Landry Mechanical Contractors' 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 Benincasa
Approved 7-0**

**Resolution 2015-16: 164
Change Order #26 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 #26 includes the following items:

1. S-4 Sink in Room 131C for the amount of \$554.00
 2. Boiler Room Vent Piping for the amount of \$4,793.00
 3. First Floor Cleanouts for the amount of \$3,489.52
- The Total amount of Change Order #26 is \$8,836.52; 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 \$8,836.52; and

WHEREAS, the Committee considered and discussed the Program Manager’s recommendation at its April 28, 2016 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 Brown
Approved 7-0**

**Resolution 2015-16: 165
Change Order #15 to Hewitt Young Electric (School 12)**

By Board Member Brown

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

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

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

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

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

WHEREAS, Change Order #15 includes the following item:

1. Lighting Revisions for the amount of \$3,394.21

The Total amount of Change Order #15 is \$3,394.21; 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 \$3,394.21; and

WHEREAS, the Committee considered and discussed the Program Manager’s recommendation at its April 28, 2016 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

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

**Second by Board Member Benincasa
Approved 7-0**

**Resolution 2015-16: 166
Change Order #7 to Manning Squires Hennig (Monroe)**

By Board Member Brown

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

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

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

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

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

WHEREAS, Change Order #7 includes the following items:

1. Patching of Existing Holes in Plaster Rated Ceilings for the amount of \$2,090
 2. Credit for Removal of Tank Alternate #9 for the amount of (\$42,000)
 3. Fan Room 27 & 30 Concrete Work for the amount of \$37,471
 4. Fan Room 27 & 30 Ceiling Work for the amount of \$34,046
 5. Removal of ACM Wall Panels for the amount of \$3,380
 6. Heat Exchanger Rack for the amount of \$9,022
 7. Utility Plaster Slab Removal for the amount of \$1,144
 8. Relocate footing and Column G8 for the amount of \$1,818
- The Total amount of Change Order #7 is \$46,971; 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 \$46,971; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its April 28, 2016 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 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 7-0**

**Resolution 2015-16: 167
Change Order #5 to MA Ferrauilo (Monroe)**

By Board Member Brown

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

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

WHEREAS, the RJSCB approved the award of the mechanical contractor contract to Michael A. Ferrauilo Plumbing and Heating Inc., ("MA Ferrauilo") for the Monroe project in Phase I (Resolution 2014-15: 242); and

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

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

WHEREAS, Change Order #5 includes the following item:

1. Re-support water and gas piping for the amount of \$2,405

The Total amount of Change Order #5 is \$2,405; 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 \$2,405; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its April 28, 2016 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 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 7-0**

**Resolution 2015-16: 168
Change Order #5 to Eastcoast Electric, LLC (Monroe)**

By Board Member Brown

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

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

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

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

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

WHEREAS, Change Order #5 includes the following items:

1. Relocate Switchgear Enclosure for the amount of \$37,845
 2. Room 167, 101, 101A Demolition for the amount of \$7,167
 3. Concrete Slab at Primary-Secondary for the amount of \$42,912
 4. CP Power - Corridor Conduit for the amount of \$115,830
 5. CP Power – Classrooms for the amount of \$23,599
 6. CP Power - Panel Work for the amount of \$16,404
 7. CP Power – Demo for the amount of \$18,434
 8. CP Power - Relocate CP-3 for the amount of \$7,132
 9. Allowance for Unforeseen Conditions for the amount of \$6,848
- The Total amount of Change Order #5 is \$276,171; 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 \$276,171; and

WHEREAS, the Committee considered and discussed the Program Manager’s recommendation at its April 28, 2016 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 Benincasa
Approved 7-0**

**Resolution 2015-16: 169
Pay Requisition Summary Acceptance (April 2016)**

By Board Member 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 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 \$3,953,179.13 including all invoices to be paid by the Trustee using bond proceeds and those invoices to be paid by the District using other funding, to the RJSCB Board Chair with copy to the full Board on April 22, 2016; and

WHEREAS, the Executive Director forwarded the Phase 2 monthly Pay Requisition Summary (attached to this Resolution) totaling \$507,182.88 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 on April 22, 2016; and

WHEREAS, the RJSCB Board Chair approved the regular monthly Pay Requisition Summary and the Phase 2 monthly Pay Requisition Summary on April 23, 2016; and

WHEREAS, the RJSCB's Executive Director reviewed the regular monthly Pay Requisition Summary and the Phase 2 monthly Pay Requisition Summary with the RJSCB's Finance Committee at its meeting on April 28, 2016;

THEREFORE, BE IT RESOLVED:

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

**Second by Board Member Benincasa
Approved 7-0**

Communications

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

- East: Getting ready to bid the summer 2016 lower/softball field project.
- School 12: Project is on schedule, final completion and receiving FFE in July – students will be back in the new building from swing space at Jefferson for the 2016-17 school year.
- Monroe: Working through unforeseen conditions and coordinating Phase 1 work with the upcoming Phase 2 work.

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

- East: After District (Superintendent and Cabinet) input and presentations, Cannon continues into schematic design for the MEP infrastructure replacement and the new addition, which has been approved by the Superintendent.
- School 7: SEI (Architect) has developed 3 schemes to satisfy the need for an addition – 2 ground based additions and the other is the 3rd floor addition (structural issues with current building condition). Meetings have taken place with the District's Facilities for input and they are developing schemes and budgets for all scenarios. Sample testing has confirmed that the fireproofing is 'hot'. The BAC is in formation and the test fit for swing space at Jefferson has been completed.

Allen Williams asked if the addition is necessary because the district enrollment is declining. The transportables are being removed and spaces are being transformed into the "model program". This addition does not increase capacity in the building by adding more seats. It is necessary to make the spaces more appropriate sizes and creates the appropriate types of teach/learning spaces.

- School 16: SWBR (Architect) is surveying the site, performing testing work, and is looking into horizontal addition designs and cost (vs. vertical).
- Monroe: CJS (Architect) met with SED on April 4, 2016 to review their design development documents. They are into the construction document phase and estimates are in process.
- Business Opportunity Program (BOP): Gearing up for their kickoff meeting on May 12, 2016 at the Rochester Central Library at 5:30 pm (Kate Gleason Auditorium). Invitations went out today, and since February they have been meeting with local organizations such as the Urban League of Rochester, the Small Business Development Center, etc.

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

- 90.91% submissions for the March 2016 reporting period.
- 98.08% of all data requested has been received and approved (April 2011 through March 2016).
- Overall Workforce (EEO) Participation: Minority @ 22.94% (goal is 20%) and Women @ 7.38% (goal is 6.9%).

- Overall Business Participation: Minority @ 15.64% (goal is 15%), Women @ 7.15% (goal is 5%), Disadvantaged @ 2.23% (goal is 2%) and Small @ 3.73 (goal is 5%). There have been over \$82 million in EBE contracts.

- Rochester Residents: 108 of the 318 workers for the March 2016 reporting period (or 33.96%). The average Rochester Resident workforce (construction) from inception (April 2011 through March 2016) is 25.79%. Labor is approximately 25% of the total construction costs. A total of \$56.8 million in wages have been paid in total. Approximately \$23 million of which went to City of Rochester residents.

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

- A 'Project Status Report for School 12 and Monroe' had been requested by Chair Richards at the Committee meeting. This was provided and reviewed by Tom Rogér. This summary included each Contractor's original contract amount, approved changes, pending changes, contingency remaining and other potential claims and changes. Tom Roger noted that there are many changes related to the additional work being performed at Monroe.

- Phase 1: Owner's Contingency is now at \$760K. Phase 1a and 1b contingencies have been zeroed out with the exception of the allocated amounts for Charlotte (doors) and East (softball/lower field project).

- Phase 2: The report indicates the current Phase 2 Contracts that have been committed and payments made to date. It also summarized the initial District funding provided (\$2.7M) showing the payments to date, and remaining balance (\$1.2M).

The M/WBE and Services Procurement Committee Report for April 28, 2016 is included in the Members packets.

The Finance Committee Report for April 28, 2016 is included in the Members packets.

A meeting of the selection committee for Legal Services and ICO Services for Phase 2 will be scheduled.

Adjournment

Approved at 6:00 pm