

**Rochester Joint Schools Construction Board
Minutes
August 3, 2015
4:30 PM**

Present

Chair Tom Richards, Charles Benincasa, Vice Chair Bob Brown, Joe Brown (arrived at 5:07 pm), José Coronas, Allen Williams, and Wayne Williams (arrived at 4:40 pm). ICO Brian Sanvidge was away, however Jeff Wild represented the ICO. Also present were: Executive Director Tom Renauto, General Counsel Peter Abdella, and Program Manager Pepin Accilien from Savin.

Chair Richards convened the meeting at 4:32 pm

Chair Richards opened the meeting asking if there were any comments from the public. A representative from the Rochester People's Climate Coalition inquired about energy efficiencies being considered for this Program. Chair Richards noted that Phase 1 designs are complete but that it is good timing for input for Phase 2 projects that have yet to start design. There is motivation in looking into energy savings to offset other District costs. Tom Renauto provided his contact information and will discuss future opportunities offline.

Presentation: Master Plan Update

Steve Rebolz with SWBR Architects provided the following: a summary progress report, preliminary findings and work methodology, and the anticipated timeline for a draft report. Steve then participated in a discussion with the Board on topics such as how the MCA is calculated and how it impacts projects and phasing.

Approval of Minutes

Organizational Meeting held on July 13, 2015

Motion by Member Coronas
Second by Member B. Brown
Approved 7-0

Monthly Meeting held on July 13, 2015

Motion by Member Coronas
Second by Member B. Brown
Approved 7-0

Action Items

**Resolution 2015-16: 19
Amendment #4 to Wendel Energy 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 RJSCB approved the selection of Wendel Energy Services ("Wendel Energy") as the NYSERDA FlexTech Energy Services consultant for Phase 1 of the project (Resolution 2010-11: 15); and

WHEREAS, the RJSCB entered into an agreement with Wendel Energy Services (Resolution 2010-11: 15) dated November 18, 2010, entitled Agreement to Provide NYSERDA FlexTech Assistance Services (the "Agreement"); and

WHEREAS, under the Agreement, Wendel Energy is entitled to interest at the rate of .55% per month on the amount of each invoice submitted to the RJSCB that was deferred in payment pending the receipt of funding by the RJSCB and that the amount of interest that accrued was \$3,552.47 through September 15, 2011; and

WHEREAS, the Program Manager recommended to the MWBE and Services Procurement Committee (the "Committee") that Wendel Energy's Agreement should be amended to add the total amount of \$3,552.47 for interest under the Agreement (through September 15, 2011); and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its July 30, 2015 meeting and after due deliberation, it approved the request to amend the Agreement;

THEREFORE, BE IT RESOLVED:

1. The proposed amendment to the Wendel Energy Services Agreement Between Board and Architect dated November 18, 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 Program Manager and the RJSCB's general counsel.

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

**Resolution 2015-16: 20
Move Manager Additional Services – Amendment #23**

By Board Member B. 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 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 and Resolution 2014-15: 238); and

WHEREAS, the RJSCB now wishes to add additional services to the Move Manager's scope of work 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 July 30, 2015 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 \$16,200; 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 W. Williams
Approved 7-0**

**Resolution 2015-16: 21
Supplemental FF&E Purchase Order – Phase 1 Projects**

By Board Member J. 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's Program Manager, with the advice of Vargas Associates (the "Move Manager"), the RJSCB's general counsel, and the RJSCB's Independent Compliance Officer, prepared a request for

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

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

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

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

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

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

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

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

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

WHEREAS, the University of Rochester recently requested 50 round cafeteria tables in support of the new program being implemented at East High School; and

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

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

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

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

WHEREAS, the Move Manager requested pricing off of State Contract from the cafeteria table supplier, FES; and

WHEREAS, at its July 30, 2015 meeting, the MWBE Procurement and Services Committee considered the recommendation of the Move Manager and the Program Manager to make the additional FF&E purchase and approved the additional FF&E purchase order to the firm as set forth in the table below:

SUMMARY of SUPPLEMENTAL FURNITURE PURCHASE

Firm	Total Award
FES	\$55,146

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the recommendation of the Move Manager that a supplemental Purchase Order shall be issued to the above named firm, in the amount specified to provide the necessary Furniture, Fixtures, and Equipment (delivered and installed at point of use) for the East Make Ready project in Phase 1 of the RSMP; and

2. The RJSCB Chair is hereby authorized, to execute and deliver a Purchase Order to the firm named above, in substantially the form included in the Request for Bids for the Furniture, Fixtures, and Equipment with such changes as the Chair may approve (the Chair's signature thereon being conclusive evidence of such approval) on the advice of the Program Manager and the RJSCB's general counsel.

Second by Board Member B. Brown
Approved 7-0

Resolution 2015-16: 22
Moving Company Additional Services – Summer 2015 Moves

By Board Member Coronas

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

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

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

WHEREAS, 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 District had previously committed to the Move Management Consultant that it would be responsible for removing certain FF&E items from Monroe High School including among other things, the cardio and weight room equipment; and

WHEREAS, the District has now requested that the RJSCB actually perform the cardio and weight room equipment relocations from Monroe High School to temporary swing space at Marshall High School due to insufficient resources necessary to complete the work in preparation of the start of construction at Monroe High School; and

WHEREAS, FM has submitted a proposal to the Move Management Consultant for this additional work; and

WHEREAS, the Program Manager and Move Manager have reviewed the additional costs and determined that they are fair and reasonable for the work being performed; and

WHEREAS, at its July 30, 2015 meeting, the MWBE and Services Procurement Committee considered the Program Manager's and Move Manager's recommendation to accept the proposal from FM to perform the additional work in the amount of \$10,776, and it approved the proposal for the additional 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 in substantially the form included in the Request for Bids (dated March 10, 2015) 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 7-0**

**Resolution 2015-16: 23
Additional Moving Services**

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 approved the selection of FM Office Express ("FM") as the moving company for the Group 1 scope of work packages associated with the Phase 1 - Summer 2013 moves (Resolution 2012-13: 165); and

WHEREAS, the RJSCB approved the selection of Corrigan Moving Systems ("Corrigan") as the moving company for the Group 2 and Group 3 scope of work packages associated with the Phase 1 - Summer 2013 moves (Resolution 2012-13: 165); and

WHEREAS, the RJSCB approved the selection of Lafayette Storage and Moving Corporation ("Lafayette") as the moving company for the Group 4 and Group 5 scope of work packages associated with the Phase 1 - Summer 2013 moves (Resolution 2012-13: 165); and

WHEREAS, the RJSCB issued Purchase Orders to FM, Corrigan, and Lafayette respectively (Resolution 2012-13: 165) each dated April 24, 2013 (the "Agreement"); and

WHEREAS, following the execution of these Agreements, the schedule and sequence of certain moves was changed to align with the updated construction schedules for the projects; and

WHEREAS, Corrigan has submitted proposals to the Move Manager for the additional work based on the hourly rates included with the original bid; and

WHEREAS, the Program Manager and Move Manager reviewed the additional costs associated with the changes in the schedule and determined that they are fair and reasonable for the work being performed; and

WHEREAS, at its July 30, 2015 meeting, the MWBE and Services Procurement Committee considered and approved the Program Manager's and Move Manager's recommendation to accept the proposal from Corrigan to perform the additional work in the amount of \$6,630; and

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 above named firm and in the amounts listed above in substantially the form included in the Request for Bids (dated March 5, 2013) 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 7-0**

**Resolution 2015-16: 24
Change Order #2 to LeChase Construction (School 12)**

By Board Member J. 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 #2 includes the following item:

1. Provide wainscot at the walk-in freezer and cooler in the amount of \$3,380.37
The Total amount of Change Order #2 is \$3,380.37; 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 this scope item for a total of \$3,380.37; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its July 30, 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 Benincasa
Approved 7-0**

**Resolution 2015-16: 25
Pay Requisition Summary Acceptance (July 2015)**

By Board Member J. Brown

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

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

WHEREAS, the RJSCB developed a pay requisition approval procedure with input from its Counsel, the MWBE and Services Procurement Committee, members of the accounting department of Rochester City School District, and the RJSCB's independent auditing firm; and

WHEREAS, the RJSCB, at its regular monthly meeting on September 12, 2011, adopted the pay requisition approval procedure (Resolution 2011-12: 23) ("Pay Requisition Approval Procedure"); and

WHEREAS, the RJSCB, at its regular monthly meeting on September 10, 2012, revised the Pay Requisition Approval Procedure (Resolution 2012-13: 37) to include the Trustee as paying agent for construction related payments; and

WHEREAS, the RJSCB, at its regular monthly meeting on April 7, 2014, revised the Pay Requisition Approval Procedure (Resolution 2013-14: 257) to include discussion of the Pay Requisition Summary by the Finance Committee and certain verification activities by the Program Manager following each monthly Board meeting; and

WHEREAS, the COMIDA issued bond proceeds for the Rochester Schools Modernization Program (“RSMP”) Phase 1a projects were deposited in the Trustee’s account on June 20, 2012; and

WHEREAS, the COMIDA issued bond proceeds for the Rochester Schools Modernization Program Phase 1b projects were deposited in the Trustee’s account on June 6, 2013; and

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

WHEREAS, Excel Aid funding associated with the Rochester Schools Modernization Program is currently in the final stages of review and certification by the Dormitory Authority of the State of New York (“DASNY”); and

WHEREAS, the intended purpose of the Excel Aid funding is to partially pay for costs associated with the design and/or construction of certain Phase 1a projects; and

WHEREAS, due to the late timing of the DASNY certification process for the Excel Aid, if necessary, the District has decided to establish and fund a special account for the RSMP ahead of the completion of the DASNY certification process to pay for certain invoices associated with the Phase 1a projects; and WHEREAS, the District will be reimbursed for any payments made after the DASNY certification process has been completed and the Excel Aid funds are released; and

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

WHEREAS, the Executive Director forwarded the regular monthly Pay Requisition Summary (attached to this Resolution) totaling \$1,964,029.51 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 July 29, 2015; and

WHEREAS, the RJSCB Board Chair approved the Pay Requisition Summary on July 29, 2015; and

WHEREAS, the RJSCB’s Executive Director reviewed the regular monthly Pay Requisition Summary with the RJSCB’s Finance Committee at its meeting on July 30, 2015;

THEREFORE, BE IT RESOLVED:

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

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

Communications

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

- Phase 1a and 1b projects: Final stages of reconciling costs with the District (the District submits the Final Cost Reports to SED). Aid is already flowing (filed the SA139 and Early Aid Forms).

- Phase 1c: Monroe High School – started demo and abatement. School 12 – Steel is in fabrication, project is tracking on schedule. East High School – Abatement is 98% complete and

work is taking place throughout the building. Critical issue is lead time for materials (some are still out 3 to 4 weeks). Temporary provisions are being made. Rooms will start being turned over next week then Vargas Associates to follow with moving in FF&E.

- School 58: Environmental Report package provided to Members and summarized by Program Manager Bob DiPaola. When we did surveys at School 58 we found 3 monitoring wells (installed in 2010). The District was monitoring migration from 185 Scio Street and all spills were recorded with the DEC. We installed additional wells for monitoring. We did air testing on the west side and took soil samples – all tests/samples came back clear. We also found some residual oil from an old tank – notified DEC and clean it up. A sub slab depressurization system was installed as an additional preventative measure. As of last summer, 185 Scio Street was cleaned up and is for sale as a “clean site”.

The Monthly Compliance Report from Baker Tilly is included in the Member’s packets and was reviewed by ICO Jeff Wild (representing Baker Tilly on behalf of Brian Sanvidge).

- 94% submissions have been received for the June reporting period.
- 99.65% of all data has been received and approved (January 2014 through June 2015).
- Overall Workforce Participation: Minority @ 22.17% (goal is 20%) and Women @ 9.05% (goal is 6.9%).
- Overall Business Participation: Minority @ 15.15% (goal is 15%), Women @ 7.06% (goal is 5%), Disadvantaged @ 2.18% (goal is 2%) and Small @ 3.58% (goal is 5%).
- Rochester Residents: 38 of the 85 workers for the June reporting period (or 44.71%).

The Budget reports are included in the Member’s packets.

The MWBE and Services Procurement Committee Report for July 9, 2015 is included in the Members packets.

The Finance Committee Report for July 9, 2015 is included in the Members packets.

Executive Session
Approved at 6:04 pm

Chair Tom Richards called for an Executive Session per Section 105 1. (f) of the Open Meetings Law.

Motion by Member J. Brown
Second by Member B. Brown
Approved 7-0

Adjournment
Approved at 7:00 pm