

Rochester Joint Schools Construction Board
Minutes
August 9, 2016
4:30 PM

Present

Chair Tom Richards, Charles Benincasa, Vice Chair Bob Brown, Ineabelle G. Cruz (arrived at 4:40 pm), Mike Schmidt, Allen Williams, Wayne Williams, and ICO Brian Sanvidge. Also present were: Executive Director Tom Renauto, General Counsel Ed Hourihan, and Program Managers Pepin Accilien and Roland Coleman from Savin and Tom Rog r from Gilbane.

Chair Richards convened the meeting at 4:34 pm.

Chair Richards opened the meeting for comments from the public. Martha Gomez, owner of Oso, Inc., addressed the Board stating that her company had recently become signatory to several unions because of the quality and diversity of workers available. Ms. Gomez asked why the PLA was voted down and who on the Board voted against it. Chair Richards stated that the vote was 4-3 against the PLA, decide by the Board, and that the details of those in favor and opposed are posted on the Board's website. Member A. Williams stated that his reason for rejecting the PLA was due to the lack of participants in the training program (5 apprentices worked on the Program in 5 years as a result of the training program).

Approval of Minutes

Monthly Meeting held on July 18, 2016

Motion by Member Brown

Second by Member Benincasa

Approved 7-0

Action Items

Resolution 2016-17: 25

Additional Moving Services – 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 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"), Corrigan Moving Systems ("Corrigan"), and Clark Moving and Storage ("Clark") as the moving companies associated with the Phase 1 - Summer 2014 moves (Resolution 2013-14: 234); and

WHEREAS, the RJSCB issued a purchase order to Clark dated April 11, 2014 (“Agreement”); and

WHEREAS, Clark has submitted a proposal to the Move Manager for additional work associated with the relocation of the City Rec Center and the City Library attached to School 12 based on the hourly rates included with the original bid; and

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

WHEREAS, at its August 4, 2016 meeting, the MWBE and Services Procurement Committee considered the Program Manager’s and Move Manager’s recommendation to accept the proposal from Clark to perform the additional work in the amount of \$5,043.55 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 above named firm and in the amount listed 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 A. Williams
Approved 7-0**

**Resolution 2016-17: 26
Additional FF&E – 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 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 final mailbox count has been confirmed with the District and it has resulted in the need for additional mailboxes to meet the program needs; and

WHEREAS, the Construction Manager has obtained pricing from the supplier previously awarded specialty items such as the IT Cabinets at School 12, Accent Woodworks Inc., to provide inserts to divide the current mailbox unit into additional spaces for the amount of \$3,972; and

WHEREAS, at its August 4, 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 Accent Woodworks, Inc.;

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the recommendation of the Program Manager that a purchase order shall be issued to Accent Woodworks Inc., in the amount of \$3,972 to provide additional FF&E (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 purchase order to the firm above, 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 2016-17: 27
Amendment #7 to Cannon Design Agreement

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 selection of Cannon Design ("Cannon") as the Architect for the East High School project in Phase I (Resolution 2011-12: 39); and

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

WHEREAS, the Program Manager recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that Cannon's Agreement should be amended to add back allowance funds that had been previously deducted by Amendment number four, those funds having been spent but not invoiced at the time of the deduct, and those expenditures total the amount of \$4,800; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its August 4, 2016 meeting, and after due deliberation, it approved the request to amend the Agreement;

THEREFORE, BE IT RESOLVED:

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

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

**Resolution 2016-17: 28
Phase 2 ICO Services Award**

By Board Member Benincasa

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

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

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

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

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

WHEREAS, the RJSCB's Executive Director and its general counsel prepared a Request for Proposals (an "RFP") regarding Independent Compliance Officer ("ICO") services related to Phase 2 of the RSMP; and

WHEREAS, the RJSCB approved the RFP at its monthly meeting on April 4, 2016 and authorized the Executive Director to obtain proposals from qualified firms using a request for proposals process (Resolution 2015-16: 145); and

WHEREAS, the Executive Director received 3 proposal responses on April 27, 2016 as stipulated in the RFP, and thereafter these proposals were delivered to each of the RJSCB Members for review; and

WHEREAS, at a special meeting on May 10, 2016 the RJSCB reviewed and discussed the proposals and determined that the firm Baker Tilly Virchow Krause, LLP ("Baker Tilly") was the most responsive to the RFP and is a highly qualified firm; and

WHEREAS, at the special meeting on May 10, 2016, the RJSCB identified Baker Tilly as the finalist for Phase 2 ICO Services and directed the Executive Director and the Program Manager to begin the negotiation process with Baker Tilly; and

WHEREAS, the Executive Director and the Program Manager requested additional information from Baker Tilly which was received, reviewed, and subsequently distributed to the RJSCB by the Executive Director on May 31, 2016; and

WHEREAS, at the MWBE and Services Procurement Committee ("Committee") meeting on August 4, 2016, the Committee discussed the status of the contract negotiations with Baker Tilly and agreed to forward the recommendation to the full Board for final consideration;

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby awards the Phase 2 Independent Compliance Officer Services contract to the firm Baker Tilly Virchow Krause LLP, in the amount not to exceed \$2,280,000; and
2. The Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute and deliver an Agreement (the "Agreement") with the firm named above for the Phase 2 – Independent Compliance Officer Services with the advice of the RJSCB's general counsel.

Second by Board Member Brown
Approved 7-0

Resolution 2016-17: 29
Construction Manager Selection – Phase 2a Projects

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

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

WHEREAS, the RJSCB, upon the recommendation of its Program Manager, has determined a need for a construction management firm to provide a single point of contact for all construction management tasks on each of the upcoming projects defined as the Phase 2a Projects (School 7, School 16, and East) to be commenced in Phase 2 of the Rochester Schools Modernization Program ("RSMP"); and

WHEREAS, the RJSCB approved a Request for Proposals ("RFP") for Construction Management Services in May 2016 and authorized the Executive Director to issue and post the RFP (Resolution 2015-16: 159); and

WHEREAS, the RJSCB's Executive Director subsequently received five responses to the RFP on July 19, 2016 at the time and place defined in the RFP; and

WHEREAS, the proposals were delivered to each RJSCB member for review; and

WHEREAS, the RJSCB's Executive Director and the Program Manager reviewed the responses to the RFP and recommended to the RJSCB that the list of finalists be further reduced to four candidates; and

WHEREAS, the four finalists were then interviewed on August 3, 2016 by RJSCB Members, the Executive Director, Program Manager representatives, and District representatives; and

WHEREAS, at the Committee meeting held on August 4, 2016, after due deliberation by the Committee, the following firms were identified as being highly qualified and fiscally responsive to the RJSCB's Rochester Schools Modernization Program for the specific projects set forth below;

<u>PROJECT NAME</u>	<u>FIRM</u>	<u>BASE CONTRACT AMOUNT</u>
School 7	LeChase Construction Services	\$1,156,665
School 16	LPCiminelli	\$1,293,618
East	The Pike Company	\$2,221,130

THEREFORE, BE IT RESOLVED:

1. The Rochester Joint Schools Construction Board hereby approves the named firms to provide Construction Management Services as indicated above for these three projects in Phase 2 of the RSMP, further defined as Phase 2a projects; and
2. The Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute and deliver individual Agreements (the "Agreement") with each firm named above in substantially the form previously approved by the RJSCB as an attachment to the RFP, for Construction Management Services, Renovation and Addition Projects, 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 Member Cruz
Approved 7-0

Resolution 2016-17: 30
Phase 2 – Environmental Monitoring and Testing Services RFP – 2a Projects

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 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 (the "Amended Act"); and

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

WHEREAS, the RJSCB, upon the recommendation of its Program Manager, has determined a need for an Environmental Monitoring and Testing Services Firm to provide services for the Phase 2 projects that are part of the RSMP; and

WHEREAS, the RJSCB requested that the RFP be limited to the Phase 2 projects: Monroe High School, East High School, School 7, and School 16 (together the "2a projects") in order to provide greater opportunity for M/WBE firms to participate in the program; and

WHEREAS, the RJSCB's Program Manager has prepared a request for proposals (an "RFP") for an Environmental Monitoring and Testing Services Firm that requires the responding firms to set forth their fee proposals for hourly rates and laboratory testing for a specific scope of work related to the 2a projects; and

WHEREAS, the M/WBE and Services Procurement Committee reviewed and discussed the RFP for Environmental Monitoring and Testing at its meeting on August 4, 2016, and after due deliberation, it approved the RFP for issuance;

THEREFORE, BE IT RESOLVED:

1. The Request for Proposals for Phase 2a (School 7, School 16, East High School and Monroe High School Part A) Environmental Monitoring and Testing Services is approved for issuance; and
2. The M/WBE and Services Procurement Committee is authorized on behalf of the RJSCB to select finalists, conduct interviews as necessary, and recommend to the RJSCB the most qualified candidate.

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

**Resolution 2016-17: 31
Phase 2 – Special Inspections and Materials Testing Services RFP – 2a Projects**

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 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 (the "Amended Act"); and

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

WHEREAS, the RJSCB, upon the recommendation of its Program Manager, has determined a need for a Special Inspections and Materials Testing Services Firm to provide services for the Phase 2 projects that are part of the RSMP; and

WHEREAS, the RJSCB requested that the RFP be limited to the Phase 2 projects: Monroe High School, East High School, School 7, and School 16 (together the "2a projects") in order to provide greater opportunity for M/WBE firms to participate in the program; and

WHEREAS, the RJSCB's Program Manager has prepared a request for proposals (an "RFP") for a Special Inspections and Materials Testing Services Firm that requires the responding firms to set forth

their fee proposals for hourly rates and laboratory testing for a specific scope of work related to the 2a projects; and

WHEREAS, the MWBE and Services Procurement Committee reviewed and discussed the RFP for Special Inspections and Materials Testing at its meeting on August 4, 2016, and after due deliberation, it approved the RFP for issuance;

THEREFORE, BE IT RESOLVED:

1. The Request for Proposals for Phase 2a (School 7, School 16, East High School and Monroe High School Part A) Special Inspections and Materials Testing Services is approved for issuance; and
2. The MWBE and Services Procurement Committee is authorized on behalf of the RJSCB to select finalists, conduct interviews as necessary, and recommend to the RJSCB the most qualified candidate.

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

**Resolution 2016-17: 32
Change Order #42, #45, and #46 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 #42 includes the following items:

1. Changes to wall at G-4 line - use existing allowance funds already in contract - \$0
2. Changes to column at D & 11 - use existing allowance funds already in contract - \$0
3. Changes due to lighting revisions - use existing allowance funds already in contract - \$0
4. Changes to low voltage pathway - use existing allowance funds already in contract - \$0

The Total amount of Change Order #42 is \$0; and

WHEREAS, Change Order #45 includes the following items:

1. Changes to metal pan ceiling - use existing allowance funds already in contract - \$0

2. Epoxy coat in kitchen - use existing allowance funds already in contract, amount over allowance = \$1,758.97
 3. Changes to ceiling finish - use existing allowance funds already in contract - \$0
- The Total amount of Change Order #45 is \$1,758.97; and

WHEREAS, Change Order #46 includes the following items:

1. Changes to hardware sets - use existing allowance funds already in contract - \$0
2. Add relieving angle at roof deck - use existing allowance funds already in contract - \$0
3. Add cabinet wardrobe soffits - use existing allowance funds already in contract - \$0
4. Rebuild masonry chase - use existing allowance funds already in contract - \$0
5. Add brick at column - use existing allowance funds already in contract - \$0
6. Build fin radiation pedestal - use existing allowance funds already in contract - \$0
7. Changes at corridor C104 - use existing allowance funds already in contract - \$0
8. – Exterior curbing at Rec Center - use existing allowance funds already in contract - \$0
9. – Catch basin at sidewalk - use existing allowance funds already in contract - \$0
10. – Changes to doors for the amount of 2,932.50
11. – Changes to walls - use existing allowance funds already in contract - \$0
12. – Changes at wheelchair lift - use existing allowance funds already in contract - \$0
13. – Changes at cafeteria - use existing allowance funds already in contract - \$0
14. – Grind kitchen floor - use existing allowance funds already in contract - \$0

The Total amount of Change Order #46 is \$2,932.50; and

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

WHEREAS, the Program Manager thereafter recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that LeChase Construction Services' Contract should be amended to add these scope items for a total of \$4,691.47; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its August 4, 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 W. Williams
Approved 7-0**

**Resolution 2016-17: 33
Change Order #29 to MA Ferraiulo (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 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 #29 includes the following items:

1. Changes to sprinkler system for the amount of \$0
 2. Changes to sprinkler heads for the amount of \$0
 3. Add cleanouts at first floor for the amount of \$2,531.78
- The Total amount of Change Order #29 is \$2,531.78; 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 \$2,531.78; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its August 4, 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 Benincasa
Approved 7-0**

**Resolution 2016-17: 34
Chaintreuil Jensen Stark Architects – Monroe High School 2b Project Extension**

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, the RJSCB recognizes that in order to maintain the proposed Phase 2 activity schedule and to maintain overall project responsibility and accountability for the design effort and Monroe High School it is necessary to engage the design services for the Monroe High School 2b Project (“Monroe 2b”) immediately; and

WHEREAS, the RJSCB believes that a formal request for proposal and selection process for architectural design services for Monroe 2b will jeopardize the continuity of the mechanical, electrical, and plumbing designs and will not achieve any measurable cost savings where negotiations can achieve the same outcome in a more timely fashion; and

WHEREAS, the RJSCB wishes to have single accountability of the design for all of the projects related to Monroe High School, and

WHEREAS, as permitted by the Phase 2 legislation, the RJSCB wishes to extend the services of Chaintreuil Jensen Stark Architects (“CJS”), the firm which is most familiar with the Monroe High School building having performed the Phase 1 design and the Phase 2a design associated with Monroe High School; and

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

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

WHEREAS, the RJSCB has directed the Executive Director to engage CJS from the Monroe High School project and to obtain and review a proposal to provide design services for the Monroe Phase 2b project; and

WHEREAS, due to the close proximity of School 15 to Monroe High School (they are connected and are located on the same campus) and the District’s desire to provide a campus wide design solution for these two buildings, the Executive Director recommends that the Monroe High School Architect also provide design services for the demolition of School 15 as part of the Monroe Phase 2b project; and

WHEREAS, CJS Architects has submitted a written proposal for the proposed design services which have been reviewed and analyzed by the Program Manager; and

WHEREAS, at the RJSCB meeting on August 9, 2016, the Program Manager recommended that the proposal be accepted and that the services of CJS Architects be extended in Phase 2b for Monroe High School; and

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the Program Manager's recommendation that the services of CJS Architects be extended in Phase 2b for Monroe High School based upon the finding that the extensions are in the public interest for the reasons set forth above; and
2. The RJSCB hereby approves the issuance of an Agreement to Chaintreuil Jensen Stark Architects to provide design services for Monroe High School and School 15 as a part of Phase 2b of the RSMP; and
3. The Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute and deliver the Agreements to the firms named above, with such changes as the Chair may approve on the advice of the Program Manager and the RJSCB's general counsel; and

**Second by Board Member W. Williams
Approved 7-0**

**Resolution 2016-17: 35
Selection of COMIDA as the issuer of long-term debt for Phase 2 and Authorization for Application**

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 Act authorizes new and innovative ways to renovate school buildings, including various financing techniques; and

WHEREAS, the Act permits the issuance of debt by one or more of the City, the County of Monroe Industrial Development Agency ("COMIDA") and the Dormitory Authority of the State of New York ("DASNY"); and

WHEREAS, the City has issued \$32 million in Bond Anticipation Notes for the Project in order to finance the initial planning and design costs of the Phase 2 projects and the initial construction costs associated with the Monroe High School project; and

WHEREAS, the City lacks sufficient debt capacity to be the issuer of any additional debt for the Project; and

WHEREAS, in order to choose an issuer of up to \$435 million of long-term debt, the RJSCB, with the assistance of its counsel and its Financial Advisor, obtained cost estimates from COMIDA and DASNY; and

WHEREAS, based on the fee quotes provided by COMIDA and DASNY, any additional financing costs that accompany each respective issuer and a review of potential interest rates, the Executive Director, with the assistance of general counsel and the RJSCB's Financial Advisor, determined that COMIDA offers the most favorable financing terms ; and

WHEREAS, the Executive Director, with the assistance of general counsel, will prepare an Application for Assistance (the "Application") on COMIDA's standard form; and

WHEREAS, the M/WBE Services and Procurement Committee reviewed the recommendation of the Financial Advisor to utilize COMIDA as the issuer of long-term debt for Phase 2 at its August 4, 2016 meeting and, after due deliberation, it agreed to recommend to the full board that COMIDA be selected and that the Application be prepared and submitted to COMIDA;

NOW, THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the selection of COMIDA as the issuer of long-term debt for Phase 2 of the Facilities Modernization Plan.
2. The Executive Director, with the assistance of general counsel, is hereby authorized and directed to prepare and submit the Application to COMIDA.

**Second by Board Member W. Williams
Approved 7-0**

**Resolution 2016-17: 36
Pay Requisition Summary Acceptance (July 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 \$2,336,603.40 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 July 22, 2016; and

WHEREAS, the Executive Director forwarded the Phase 2 monthly Pay Requisition Summary (attached to this Resolution) totaling \$793,476.85 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 July 22, 2016; and

WHEREAS, the RJSCB Board Chair approved the regular monthly Pay Requisition Summary and the Phase 2 monthly Pay Requisition Summary on July 22, 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 August 4, 2016;

THEREFORE, BE IT RESOLVED:

1. The Rochester Joint Schools Construction Board hereby accepts the regular monthly Pay Requisition Summary for the month of July 2016 in the amount stated above and the Phase 2 monthly Pay Requisition Summary for the month of July 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.

- School 17: (Replacement) door installation starts tomorrow.
- Charlotte: CJS is working on the bid package for replacement doors (expecting to bid August). Installation will have to take place afterhours this fall.
- School 12: Moving is complete and teachers will be arriving to begin unpacking Monday, 8/22/16. Some minor electrical work is being completed in the kitchen and at the emergency generator. Cleaning is ongoing. The parking lot project starts next week. Punchlist work will be ongoing.
- East: Work is ongoing including the installation of the fencing fabric, infield clay, and sod.
- Monroe: Heavily into the mechanical system installation - have moved down to the 1st floor. The General Contractor is getting to the end of their masonry exterior work and getting ready for paint/finishes. Coordination will need to take place regarding Phase 1 and Phase 2 transition with scope and Contractors. Mike Schmidt asked for an update for the Phase 2 schedule at Monroe before school starts.
- SED: Early Aid forms were filed with SED and approved for both School 12 and Monroe.

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

– General: The Strategic Plan is being reviewed by SED (Rosanne Groff is Carl Thurnau's interim replacement) and the Financial Plan is being reviewed by the Comptroller's office (Tom Renauto has been corresponding with them).

– 2a Projects: 3 projects are in Schematics (East, School 7, and School 16) and are moving through presentations and discussions with the Superintendent's Cabinet as well as the Mayor's Office. 1 project is in bidding phase (Monroe) with the opening scheduled for August 30, 2016 and award at the September RJSCB meeting. Construction Managers for the projects were approved at this meeting with NTP's going out tomorrow and Contracts to be produced and reviewed by Legal.

– 2b Projects: Responses to the Design Services / Architectural Services RFP were due July 19, 2016 and interviews will be taking place next week. The 4 projects are anticipated to start design immediately after award at the September meeting. With regard to Monroe, the pool was discussed as an additional scope item that was not in the original plan.

– BOP: The Networking Matchmaker event was held on July 27, 2016 and was a success. The BOP team is moving forward with logistics for the training program - registration is well underway. There was a special guest (Empire State Development's Vice President) who is strongly advocating the growth of a loan program that the State is promoting to provide opportunities to EBE's at a low interest rate. The participation has largely been downstate, so he visited our team to drum up interest (about \$2M available).

– Procurement: 2 RFP's approved at this meeting will be released tomorrow and the next 2 RFP's to be released at the September meeting need to be reviewed by Tom Renauto and forwarded to Legal. We anticipate awarding firms for 5 previously released RFP's at the September meeting.

- The addendum to remove the PLA from the Monroe bid documents will be issued today. This will also extend the bid date to August 30th. Savin will evaluate the schedule with the CM and Architect. The award is now scheduled for September 12th at the next monthly RJSCB meeting.

Bob Brown stated that a union prime contractor will not be allowed to subcontract to non-union firms unless they sign the collective bargaining agreement with the union.

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

- 95% submissions for the June 2016 reporting period.

- 98.06% of all data requested has been received and approved (April 2011 through June 2016).

- Overall Workforce (EEO) Participation: Minority @ 22.91% (goal is 20%) and Women @ 7.2% (goal is 6.9%).

- Overall Business Participation: Minority @ 15.68% (goal is 15%), Women @ 7.43% (goal is 5%), Disadvantaged @ 2.31% (goal is 2%) and Small @ 3.75 (goal is 5%).

- Rochester Residents: 118 of the 327 workers for the June 2016 reporting period (or 36.09%). The average Rochester Resident workforce (construction) from inception (April 2011 through June 2016) is 26.67%.

Brian Sanvidge reported on an issue with a contractor at Monroe, MA Ferrauilo. Due to the volume and timing of recent large change orders for accelerated Phase 2a work, the firm believes that they will not be successful in meeting the business diversity goals. Brian stated that much of the work will go to a controls company (Day Automation) that is mandated by the District due to the type of systems in the building.

Brian stated that on their base contract they will meet the goals, however the change orders will likely cause them to miss.

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

- Phase 1 Budget Update: Contingency is tracking well. The Owner's Contingency will be at about \$650K once money is moved to School 12 for the parking lot project. Contingencies are all zeroed out for Phase 1a and 1b with the exception of the Charlotte door replacement. Phase 1c projects still have accurate and adequate contingency. The total uncommitted contingency is about \$889K.

- Phase 2 Budget Update: The spreadsheet provided a snapshot of the current Phase 2 Contracts that have been committed and paid to date. It also summarizes the District funding provided (\$4.7M) showing the payments to date, and remaining balance (about \$817K). The invoices for August (Requisition No. 9) will be paid by the City BAN funds (the BAN closed today for \$32M, matures February 2017) Funds have already been transferred to the District to repay their \$4.7M.

The MWBE and Services Procurement Committee Report for August 4, 2016 is included in the Members packets.

The Finance Committee Report for August 4, 2016 is included in the Members packets.

Adjournment

Approved at 6:04 pm