

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

Present

Chair Tom Richards, Charles Benincasa, Vice Chair Bob Brown, Joe Brown (arrived at 4:47 pm), José Coronas, Allen Williams (arrived at 4:38 pm), Wayne Williams (arrived at 5:14 pm) and ICO Brian Sanvidge. Also present were: Executive Director Tom Renauto, General Counsel Peter Abdella, and Program Managers Tom Rogér from Gilbane and Pepin Accilien from Savin.

Chair Richards convened the meeting at 4:30 pm

Presentation: School 12 Project Update

Wayne Hermanson (Gilbane) described the status of the project. Wayne started with slides and a description of what the building looked like after completing the demo and abatement in April. The project is well underway including: studs and drywall, steel erection, mechanical equipment continues to show up onsite, MEP rough-in continuing throughout, window cut outs have started, and the work in the shared spaces (Rec Center and Library) has begun. The work is progressing from the 3rd floor down. The project is currently tracking on schedule.

Presentation: Monroe High School Phase 2 Program Verification

Tony Borgese and Mike Ellison, both with CJS Architects, have been working with the District to define the Phase 2 program at Monroe (for up to 1,200 students) fitting it into the existing building footprint. Tony provided an overview of the existing plans and conceptual plans for Phase 2A and a possible future Phase 2B. Terry Loconte (Gilbane) described a master schedule showing design, construction, and aid regeneration, along with the estimated costs for the project including MCA, anticipated costs (construction, incidental, soft, etc.). The Phase 2A plan shows separation of 7th and 8th grade from grades 9-12 by floor and by use of strategically placed control doors. Admin suites are located on each floor for additional supervision. Shared spaces are focused on the 1st floor and community and instrumental spaces are located in the lower lever. Possible future plans for a Phase 2B show the site transformation. These include: relocated/new tennis courts, a practice baseball diamond, a multipurpose turf field (regulation soccer and football field), and a new competition gym.

Approval of Minutes

Monthly Meeting held on August 3, 2015

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

Special Meeting held on September 2, 2015

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

Action Items

Resolution 2015-16: 27 Move Manager Additional Services – Amendment #24

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 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, and Resolution 2015-16: 20); 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 September 10, 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 \$39,505.56; 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 B. Brown
Approved 7-0**

**Resolution 2014-15: 28
Amendment #4 to SJB Services, Inc. Contract (1c 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 Program Manager recommended to the RJSCB that it engage the services of a Special Inspection and Testing Agent as a third party inspector during construction of the Phase 1 projects; and

WHEREAS, the RJSCB, at its monthly meeting on June 10, 2013 (Resolution 2012-13: 195), approved the selection of SJB Services, Inc. (“SJB”) for special inspection and materials testing services for School 5, School 28, East High School, and Edison Technology Campus, and the parties thereafter entered into an Agreement between the RJSCB and SJB dated June 28, 2013 (the “Agreement”); and

WHEREAS, the contract between the RJSCB and SJB specifically allows for an extension of services if the Board elects to do so; and

WHEREAS, the RJSCB has previously extended the services of SJB to include work at the Monroe High School project in Phase 1c (Resolution 2014-15: 207); and

WHEREAS, the value of the SJB Amendment associated with Monroe High School was set at \$50,000 by the RSMP based on previous project comparisons; and

WHEREAS, the Program Manager has now requested that additional services be provided by SJB for the Monroe High School project due to specific needs at the site, and SJB has provided hourly rates and testing costs associated with these additional scopes of work; and

WHEREAS, this will not increase the budget amount allocated to the Monroe High School Project nor the contract value between the RJSCB and SJB; and

WHEREAS, these additional services will be utilized and tracked on time and materials basis as necessary; and

WHEREAS, based on the advice and recommendation of the Program Manager, at its September 10, 2015 meeting, the MWBE and Services Procurement Committee considered and discussed the proposal to add these specific services at the hourly rates and testing costs to the SJB contract 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 SJB Services Inc. dated June 28, 2013, as set forth above is hereby approved; and
2. The RJSCB’s Chair is authorized in the name and behalf of the RJSCB, to execute an amendment to the SJB Services Inc. contract that is consistent with this approval and in an acceptable form to the Chair upon the advice of the Program Manager and the RJSCB’s general counsel.

Second by Board Member B. Brown

Approved 7-0

**Resolution 2015-16: 29
Supplemental FF&E Purchase Order – Phase 1 Projects**

By Board Member B. Brown

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

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

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

WHEREAS, the RJSCB’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 additional tables and chairs 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 tables and chairs for East High School in support of the University of Rochester's program; and

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

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

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

WHEREAS, at its September 10, 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
School Specialty	\$3,200
FM Resources	\$11,939.20
FM Resources	\$6,209.60

THEREFORE, BE IT RESOLVED:

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

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

Second by Board Member Benincasa
Approved 7-0

Resolution 2015-16: 30
Moving Company Special Services – Monroe High School

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

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

WHEREAS, the Move Manager recently identified previously unknown science room chemicals which will need to be relocated from Monroe High School to temporary swing space at Marshall High School; and

WHEREAS, the District does not have the resources to perform this relocation and has typically relied on the RSMP to coordinate the relocation of science room chemicals as a part of the swing space relocations; and

WHEREAS, this work was not identified at the time of the bid for summer 2015 move services; and

WHEREAS, FM Resources has advised the Move Manager that it is not an approved (US Department of Transportation) shipper of chemicals; and

WHEREAS, the Move Manager solicited quotes from two other vendors, and has obtained a quote from one of those vendors for the relocation of the science room chemicals at Monroe High School; and

WHEREAS, the timing of the chemical relocation is critical in order to maintain the schedule for the set-up and start of school at the temporary swing space at Marshall as well as clearing the Monroe High School building for the construction work to begin; and

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

WHEREAS, at its September 10, 2015 meeting, the MWBE and Services Procurement Committee considered the Program Manager's and Move Manager's recommendation to accept the proposal from Pacific Scientific Transport to perform the work in the amount of \$9,950, and it approved the proposal for the services; 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 chemical moving services from Pacific Scientific Transport as set forth above; and
2. The Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute and deliver a Purchase Order to the firm named above on the advice of the Program Manager and the RJSCB's general counsel.

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

**Resolution 2015-16: 31
FF&E Request for Bids – School 12**

By Board Member B. Brown

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

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

WHEREAS, the Act authorized up to 13 projects in Phase I of the Rochester Schools Modernization Program (“RSMP”); and

WHEREAS, the RJSCB’s Move Management Consultant (Vargas Associates) has prepared bid documents for the Furniture Fixtures and Equipment (“FF&E”) bid associated with the School 12 project in Phase 1 of the RSMP; and

WHEREAS, through this process, the RJSCB will obtain competitive pricing from furniture distributor firms using an open public bidding process; and

WHEREAS, construction for School 12 is scheduled to be completed by July 2016, and the RJSCB needs to procure the FF&E for this project as soon as possible in order to maximize 2015 pricing as well as secure production and delivery schedules that align with the completion of the project; and

WHEREAS, the MWBE and Services Procurement Committee has reviewed the bid documents for the FF&E Bid and approved them at its meeting on September 10, 2015, for forwarding to the full Board;

THEREFORE, BE IT RESOLVED:

1. The Bid Documents for FF&E are approved for use by the RJSCB to obtain bids from furniture distributor firms using an open public bidding process; and
2. The MWBE and Services Procurement Committee, with the advice and recommendations of the Move Management Consultant and the Program Manager, is authorized on behalf of the RJSCB to review the bids from the furniture distributor firms and recommend one or more firms to the RJSCB for award.

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

**Resolution 2015-16: 32
Change Order #12 and #13 to Kaplan Schmidt – Electrical Contractor (School 5)**

By Board Member B. Brown

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

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

WHEREAS, the RJSCB approved the award of the electrical contractor contract to Kaplan Schmidt for the School 5 project in Phase I (Resolution 2012-13: 177); and

WHEREAS, the RJSCB entered into a contract with Kaplan Schmidt (Resolution 2012-13: 177) dated June 4, 2013 (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, Kaplan Schmidt, along with The Pike Company, the Construction Manager, and the Program Manager, identified the need for additional scopes of work, and cost proposals were then obtained for these additional scope items and provided to the Construction Manager and the Program Manager for review; and

WHEREAS, Change Order #12 includes the following items:

1. Card access at Stair S04 for the amount of \$5,871.22
2. Additional light fixtures for the amount of \$3,225.75
3. Field changes for the amount of \$1,431.53
4. Change to floor mounted equipment for the amount of \$1,208.09
5. Vacom unit and power supply for the amount of \$1,189.89
6. Additional power at room 119 for the amount of \$1,252.99

The total amount of Change Order #12 is \$14,179.47; and

WHEREAS, Change Order #13 includes the following items:

1. Magnetic door holders, negotiated for \$0
2. Prox reader in room 009a, negotiated for \$0
3. Kitchen ansul system, negotiated for \$0
4. Science room swap, negotiated for \$0
5. Safety and security, negotiated for \$0
6. Electrical changes, negotiated for \$0

The total amount of Change Order #13 is \$0; and

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

WHEREAS, the Program Manager thereafter recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that Kaplan Schmidt's Contract should be amended to add these scope items in the total amount of \$14,179.47; and

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

THEREFORE, BE IT RESOLVED:

1. The proposed Change Orders to Kaplan Schmidt's Contract between the Board and Contractor dated June 4, 2013 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: 33
Change Order #51 to Manning Squires Hennig Co., Inc. – General Contractor (School 17)**

By Board Member Benincasa

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

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

WHEREAS, the RJSCB approved the award of the general contractor contract to Manning Squires Hennig Co., Inc. (“Manning Squires”) for the School 17 project in Phase I (Resolution 2012-13: 14); and

WHEREAS, the RJSCB entered into a contract with Manning Squires (Resolution 2012-13: 14) dated July 2, 2012 (the “Contract”), to perform the scope of services defined in the contract documents as the general contractor’s scope of work; and

WHEREAS, following the execution of the Contract, Manning Squires, along with The Pike Company, the Construction Manager, and the Program Manager, identified the need for this change order and documentation was provided to the Construction Manager and the Program Manager for review; and

WHEREAS, Change Order #51 includes the following items:

1. Deduct for liquidated damages in the amount of -\$30,000
2. Deduct for SJB testing and other miscellaneous costs in the amount of -\$33,000

The Total amount of Change Order #51 is deduct of -\$63,000; and

WHEREAS, the Construction Manager and the Program Manager believe that the change order was necessary and the pricing is appropriate; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB’s MWBE and Services Procurement Committee (the “Committee”) that Manning Squires’ Contract should be amended to deduct the amount of -\$63,000; and

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

THEREFORE, BE IT RESOLVED:

1. The proposed Change Order to Manning Squires Hennig Co., Inc.’s Contract between the Board and Contractor dated July 2, 2012 as set forth above is hereby approved; and
2. The RJSCB’s Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute a Change Order to the Contract that is consistent with this approval and in an acceptable form to the Chair upon the advice of the Program Manager and the RJSCB’s general counsel.

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

**Resolution 2015-16: 34
Change Order #3 through #9 to LeChase Construction (School 12)**

By Board Member B. Brown

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

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

WHEREAS, the RJSCB approved the award of the 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 #3 includes the following item:

1. Remove and replace sidewalk and stairs at door ST03-1 for the amount of \$23,048.11
- The Total amount of Change Order #3 is \$23,048.11; and

WHEREAS, Change Order #4 includes the following item:

1. Remove door and frame and infill opening for the amount of \$357.39
- The Total amount of Change Order #4 is \$357.39; and

WHEREAS, Change Order #5 includes the following item:

1. Change flooring materials for the amount of \$7,978.95
- The Total amount of Change Order #5 is \$7,978.95; and

WHEREAS, Change Order #6 includes the following item:

1. Demo frame and infill with block for the amount of \$1,734.38
- The Total amount of Change Order #6 is \$1,734.38; and

WHEREAS, Change Order #7 includes the following item:

1. Demo frame, provide new frame and hardware for the amount of \$884.73
- The Total amount of Change Order #7 is \$884.73; and

WHEREAS, Change Order #8 includes the following item:

1. Remove existing foundations and provide new foundations for the amount of \$12,589.56
- The Total amount of Change Order #8 is \$12,589.56; and

WHEREAS, Change Order #9 includes the following item:

1. Remove unsuitable soils, provide flowable fill, credit demo of foundation for the amount of \$6,800.85
- The Total amount of Change Order #9 is \$6,800.85; 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 \$53,393.97; and

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

THEREFORE, BE IT RESOLVED:

1. The proposed Change Orders to 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: 35
Change Order #1, #2, and #3 to Landry Mechanical Contractors (School 12)**

By Board Member W. Williams

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

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

WHEREAS, the RJSCB approved the award of the 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 #1 includes the following item:

1. Provide "Pro-press" fittings in lieu of sweat pipe fittings throughout for a credit of -\$9,180
The Total amount of Change Order #1 is a credit of -\$9,180; and

WHEREAS, Change Order #2 includes the following item:

1. Provide six fire dampers for the amount of \$2,642.01
The Total amount of Change Order #2 is \$2,642.01; and

WHEREAS, Change Order #3 includes the following item:

1. Replace existing 1-1/2" lines with new 2" lines tied to UH-2 for the amount of \$1,854.92

The Total amount of Change Order #3 is \$1,854.92; 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 and delete these scope items for a total deduct of -\$4,683.07; and

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

THEREFORE, BE IT RESOLVED:

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

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

**Resolution 2015-16: 36
Change Order #10 through #15 to MA Ferrauilo (School 12)**

By Board Member B. Brown

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

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

WHEREAS, the RJSCB approved the award of the plumbing contractor contract to Michael A. Ferrauilo Plumbing and Heating Inc., ("MA Ferrauilo") for the School 12 project in Phase I (Resolution 2014-15: 200); and

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

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

WHEREAS, Change Order #10 includes the following item:

1. Provide a sump pump at mechanical room 148, negotiated for \$0
- The Total amount of Change Order #10 is \$0; and

WHEREAS, Change Order #11 includes the following item:

1. Increase pipe size to room 102a and relocate existing piping for the amount of \$5,945.22
The Total amount of Change Order #11 is \$5,945.22; and

WHEREAS, Change Order #12 includes the following item:

1. Provide hot water return piping for the north side of the building for the amount of \$9,231.97
The Total amount of Change Order #12 is \$9,231.97; and

WHEREAS, Change Order #13 includes the following item:

1. Provide hot water return piping for the south end of the building for the amount of \$8,544.26
The Total amount of Change Order #13 is \$8,544.26; and

WHEREAS, Change Order #14 includes the following item:

1. Reroute hot and cold domestic water lines around electrical room for the amount of \$8,045.12
The Total amount of Change Order #14 is \$8,045.12; and

WHEREAS, Change Order #15 includes the following item:

1. Neutralizing basin at room 337, neutralizing trap at sink 337a, consolidate piping for the amount of \$0
The Total amount of Change Order #15 is \$0; and

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

WHEREAS, the Program Manager thereafter recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that MA Ferrauilo's Contract should be amended to add these scope items for a total of \$31,766.57; and

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

THEREFORE, BE IT RESOLVED:

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

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

**Resolution 2015-16: 37
Change Order #7, #8, and #9 to Mark Cerrone Inc. (School 12 Demo and Abatement)**

By Board Member B. Brown

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

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

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

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

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

WHEREAS, Change Order #7 includes the following item:

1. Salvage and transport acoustical ceiling tile for the amount of \$4,738
- The Total amount of Change Order #7 is \$4,738; and

WHEREAS, Change Order #8 includes the following item:

1. Remove flooring and mastic in room 225 for the amount of \$856.80
- The Total amount of Change Order #8 is \$856.80; and

WHEREAS, Change Order #9 includes the following item:

1. Credit for deletion of cafeteria floor, provide protection instead for a deduct of -\$963.41
- The Total amount of Change Order #9 is a credit of -\$963.41; and

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

WHEREAS, the Program Manager thereafter recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that Mark Cerrone Inc.'s Contract should be amended to add and delete these scope items for a total of \$4,631.39; and

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

THEREFORE, BE IT RESOLVED:

1. The proposed Change Orders to Mark Cerrone Inc.'s Contract between the Board and Contractor dated November 3, 2014 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: 38

Change Order #17 to The Pike Company – General Contractor (East High School)

By Board Member Benincasa

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

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

WHEREAS, the RJSCB approved the award of the general contractor contract to The Pike Company (“Pike”) for the East High School project in Phase I (Resolution 2012-13: 147); and

WHEREAS, the RJSCB entered into a contract with Pike (Resolution 2012-13: 147) dated April 1, 2013 (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, Pike, along with LPCiminelli, the Construction Manager, and the Program Manager, identified the need for additional scopes of work, and cost proposals were then obtained for these additional scope items and provided to the Construction Manager and the Program Manager for review; and

WHEREAS, Change Order #17 includes the following item:

1. Credit associated with unused allowance funds in the amount of -\$132,919

The total amount for Change Order #17 is a deduct of -\$132,919; and

WHEREAS, the Construction Manager and the Program Manager believe that this change order was necessary and the pricing is appropriate; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB’s MWBE and Services Procurement Committee (the “Committee”) that Pike’s Contract should be amended to credit unused allowance funds in the total amount of -\$132,919; and

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

THEREFORE, BE IT RESOLVED:

1. The proposed Change Order to The Pike Company’s Contract between the Board and Contractor dated April 1, 2013 as set forth above is hereby approved; and
2. The RJSCB’s Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute a Change Order to the Contract that is consistent with this approval and in an acceptable form to the Chair upon the advice of the Program Manager and the RJSCB’s general counsel.

Second by Board Member W. Williams

Approved 7-0

**Resolution 2015-16: 39
Change Order #1 to Manning Squires Hennig (Monroe)**

By Board Member W. Williams

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

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

WHEREAS, the RJSCB approved the award of the general contractor contract to Manning Squires Hennig, (“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 #1 includes the following item:

1. Provide a walk-in cooler at the swing space location for the amount of \$20,580
The Total amount of Change Order #1 is \$20,580; 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 \$20,580; and

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

THEREFORE, BE IT RESOLVED:

1. The proposed Change Order to Manning Squires Hennig’s Contract between the Board and Contractor dated 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 B. Brown
Approved 7-0**

**Resolution 2015-16: 40
Change Order #1 to MA Ferrauilo (Monroe)**

By Board Member B. Brown

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

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

WHEREAS, the RJSCB approved the award of the 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 #1 includes the following item:

1. Plumbing work at swing space location for the amount of \$3,332
- The Total amount of Change Order #1 is \$3,332; 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 \$3,332; and

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

THEREFORE, BE IT RESOLVED:

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

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

**Resolution 2015-16: 41
Forensic Audit Report**

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 requires the Board to engage an Independent Compliance Officer (“ICO”) to report directly to the Board; and

WHEREAS, in November of 2013, the RJSCB issued a request for proposals (an “RFP”) regarding ICO services for the remainder of Phase 1 of the RSMP entitled “Independent Compliance Officer Services” (Resolution 2013-2014: 103); and

WHEREAS, in January 2014, the RJSCB awarded the remainder of Phase 1 Independent Compliance Officer Services contract to the firm Baker Tilly Virchow Krause LLP (“Baker Tilly”) (Resolution 2013-14: 162) and entered into an agreement with Baker Tilly dated January 13, 2014 (“Agreement”); and

WHEREAS, in June 2014, the RJSCB added certain additional scopes of services to the Agreement with Baker Tilly including a review and preparation of a report on the recordkeeping and maintenance of project records for MWBE compliance matters in Phase 1 of the RSMP (Resolution 2013-14: 313); and

WHEREAS, the RJSCB formed a special committee to monitor the additional services, communicate with Baker Tilly about its report, manage the Board’s communications, and make recommendations to the full Board (Resolution 2014-15: 121); and

WHEREAS, Baker Tilly has now completed the report (the “Forensic Report”), and the RJSCB special committee and the RJSCB’s General Counsel have reviewed and considered the report; and

WHEREAS, the RJSCB’s special committee has recommended to the RJSCB that it accept the Forensic Report from Baker Tilly; and

WHEREAS, the RJSCB discussed the special committee’s recommendation and considered the Forensic Report, at its regular Board meeting on September 14, 2015;

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby accepts the Forensic Report prepared by Baker Tilly.
2. The Forensic Report will be released publicly following Baker Tilly’s briefing of the Rochester City Council and the Rochester City School District Board of Education concerning the Report.

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

**Resolution 2015-16: 42
Agreement and Undertaking**

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 is aware of certain government investigations relating to the prior ICO and the implementation of the preliminary diversity plan by the prior ICO; and

WHEREAS, in relation to these investigations, it has become necessary for RJSCB Executive Director Thomas Renauto to retain legal counsel because of his role as an employee of the RJSCB; and

WHEREAS, it is the RJSCB's understanding that Mr. Renauto is not a target of these investigations; and

WHEREAS, the RJSCB and Mr. Renauto have agreed to terms by which the RJSCB will advance reasonable attorneys' fees and costs incurred by Mr. Renauto because of his role as an employee of the RJSCB; and

WHEREAS, these terms are reflected in the Agreement and Undertaking dated September 14, 2015, and executed by Mr. Renauto and RJSCB Chair Thomas Richards.

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby adopts the terms of the Agreement and Undertaking and agrees to advance reasonable attorneys' fees and costs to RJSCB Executive Director Thomas Renauto pursuant to the terms of that Agreement and Undertaking.

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

**Resolution 2015-16: 43
Amendment #11 to LeChase Construction Services, LLC - CM at School 28 and 58**

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 selected LeChase Construction Services, LLC ("Construction Manager") to provide Construction Management services for the School 28 and the School 58 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 an Agreement between the RJSCB and the Construction Manager dated August 3, 2011 (the "Agreement"); and

WHEREAS, subsequent to the execution of the Agreement, the Program Manager directed the Construction Manager to provide additional services; and

WHEREAS, these additional services include: staffing for pre-construction schedule and construction schedule extensions, increased staffing for insurance reviews, additional construction monitoring post contract completion, and significant change management requirements; and

WHEREAS, the Program Manager has received and reviewed proposals for this additional work provided by the Construction Manager; and

WHEREAS, through negotiations, the Executive Director and Program Manager have been able to reduce the costs of these additional services down from the initial amount claimed by the Construction Manager of \$925,196 down to \$399,900; 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 \$399,900; and

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

THEREFORE, BE IT RESOLVED:

1. The proposed amendment to the Agreement between the RJSCB and the Construction Manager dated August 3, 2011 as set forth above is hereby approved, subject to the finalization of an acceptable cooperation agreement between the RJSCB and the Construction Manager relating to School 58; and
2. The RJSCB's Chair is hereby authorized in the name and on behalf of the RJSCB, to execute an amendment to the Agreement that is consistent with this approval and in an acceptable form to the Chair upon the advice of the Program Manager and the RJSCB's general counsel.

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

**Resolution 2015-16: 44
Program Verification Approval – Monroe High School Phase 2**

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

WHEREAS, 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 to begin the design process for these projects; and

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

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

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

WHEREAS, in May 2015, the RJSCB authorized CJS (Resolution 2014-15: 216) to begin the program verification and planning associated with the Monroe High School project in Phase 2; and

WHEREAS, in its authorization to proceed the RJSCB required that upon completion of the Program Verification Phase, each Architect will provide an update to the RJSCB and to the District, and the Program Manager will seek authorization from the RJSCB and the District to proceed to the next phase in the design process, the Schematic Design Phase; and

WHEREAS, on September 8, 2015, the Architect and Program Manager presented the Monroe High School Phase 2 program verification plans to the Superintendent and his senior cabinet and received authorization to proceed to the next step in the design process; and

WHEREAS, at its regular monthly meeting on September 14, 2015, the Architect and Program Manager presented the Monroe High School Phase 2 program verification plans to the RJSCB; and

THEREFORE, BE IT RESOLVED:

1. The Program Verification Documents for the Monroe High School Phase 2 project are approved; and
2. The Program Manager is hereby authorized to direct the Architect for Monroe High School Phase 2 (Chaintreuil Jensen Stark Architects) to proceed with the next phase in the design process, the Schematic Design Phase.

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

Resolution 2015-16: 45
Pay Requisition Summary Acceptance (August 2015)

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 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 \$2,249,498.15 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 August 27, 2015; and

WHEREAS, the RJSCB Board Chair approved the Pay Requisition Summary on August 27, 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 September 10, 2015;

THEREFORE, BE IT RESOLVED:

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

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

Communications

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

- Phase 1a and 1b projects: Final stages of closeout and reconciling costs with the District.
- Phase 1c projects: School 12 – an update was provided at the beginning of the Board meeting. Monroe High School – far along with demo for Phase 1 and in the planning stage for Phase 2 (presentation at the beginning of the Board meeting).
- Chair Richards asked Tom Roger to produce and send the project completion letters to the District for all Phase 1a and 1b projects with the exception of School 58.

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

- 97.01% submissions for the July reporting period.
- 99.84% of all data requested has been received and approved (January 2014 through July 2015).
- Overall Workforce (EEO) Participation: Minority @ 22.31% (goal is 20%) and Women @ 9.04% (goal is 6.9%).
- Overall Business Participation: Minority @ 15.32% (goal is 15%), Women @ 7.07% (goal is 5%), Disadvantaged @ 2.18% (goal is 2%) and Small @ 3.66% (goal is 5%). The Board discussed the continuing issue of appearing short on the SBE numbers, knowing that most WBE and MBE are also SBE (we are not counting them as both). Baker Tilly is working on tracking SBE firms that grew out of the certification due to success with the Program as well as the MBE and WBE who are eligible but have not self-certified as SBE.
- Rochester Residents: 74 of the 156 workers for the July reporting period (or 47.44%).

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

- Overall Budget Update: There is still a good amount of contingency remaining (about \$7.5 million).

The MWBE and Services Procurement Committee Report for September 10, 2015 is included in the Members packets.

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

Adjournment

Approved at 6:30 pm